

Legislative Analysis



BACKGROUND CHECKS: HOMES FOR THE AGED & ADULT FOSTER CARE FACILITIES

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Senate Bill 787 (Substitute S-2)

Senate Bill 788 (Substitute S-2)

Sponsor: Sen. Mike Nofs

House Committee: Health Policy

Senate Committee: Health Policy

Complete to 2-15-12

A SUMMARY OF SENATE BILLS 787 & 788 AS PASSED BY THE SENATE 2-1-12

Under current law, certain individuals involved in the operation of a home for the aged or adult foster care facility who have regular direct access to residents or who have on-site facility operational responsibilities are required at the time of licensure to undergo state and federal criminal history background checks. The Department of State Police is required to conduct a criminal history check, and a criminal records check through the FBI must also be done.

Beginning on the effective dates of the bills, if one of these individuals had previously undergone a state criminal history check and a federal criminal records check and had been continuously licensed or continuously employed as specified in the relevant act since those checks were performed, the person would not have to submit to a subsequent criminal history check or criminal records check when applying for a license or a license renewal.

Senate Bill 787 would amend the Public Health Code (MCL 333.21212) to apply to an applicant, authorized representative, owner, operator, and member of the governing body of a home for the aged.

Senate Bill 788 would amend the Adult Foster Care Facility Licensing Act (MCL 400.713) to apply to an owner, partner, or director of an applicant of an AFC facility.

The bills also contain language that clarifies that applicants for licensure must give written consent at the time of application for licensure for both a criminal history check and a criminal records check through the Federal Bureau of Investigation. The bills add language requiring the Department of Human Services to require the appropriate individuals to submit fingerprints to the Department of State Police for the criminal history check and criminal records check.

FISCAL IMPACT:

The bills would have no fiscal impact on the Department of Human Services.

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