

HB 544 -- Background Checks for Long-Term Care Workers

Sponsor: Sater

This bill changes the laws regarding criminal background checks of personal care attendants, long-term care providers, and long-term care workers. In its main provisions, the bill:

- (1) Prohibits a personal care attendant with a disqualifying finding on a state or federal criminal background check from being reimbursed by the state for providing personal care assistant services;
- (2) Adds a long-term care provider or long-term care worker to the list of individuals who must comply with the background check requirements of the Family Care Safety Registry;
- (3) Requires, beginning September 30, 2012, the registry to include a check of the National Sex Offender Public Website accessible through the State Highway Patrol; the certified nurse assistant registry and the nursing home administrator disciplinary action data maintained by the Department of Health and Senior Services; the licensure data of certain physicians, physician assistants, and nurses collected by the Department of Insurance, Financial Institutions and Professional Registration; and the educator certification data maintained by the Department of Elementary and Secondary Education;
- (4) Establishes within the Department of Health and Senior Services a background screening and employment eligibility determination process for long-term care workers which will allow a person to be hired on a provisional basis to provide services until a complete screening is conducted. A provider must make an annual inquiry to the registry in order to maintain the employee's employment eligibility and must abide by the employment eligibility determination as made by the department;
- (5) Requires a long-term care worker hired on or after September 30, 2012, to submit to the background screening and employment eligibility determination process;
- (6) Requires the department to share registry information for employer-volunteer relationship purposes;
- (7) Requires the department to submit an annual report by December 1 to the Speaker of the House of Representatives and the President Pro Tem of the Senate regarding certain information on the registry. Currently, the report is to be submitted by July 1;

(8) Requires a provider to request an employment eligibility determination prior to hiring a personal care attendant who will have direct access to a patient, resident, client, or consumer;

(9) Allows the department to assess a fee to any provider to cover the cost of handling the criminal record review and to create an account for the deposit of the fees;

(10) Requires an applicant for a position with direct access to a patient, client, or consumer to disclose any findings that may appear on the registry. An applicant failing to disclose any disqualifying finding will be guilty of a class A misdemeanor; and

(11) Specifies that any provider required to deny employment to an applicant or to discharge a provisional employee as a result of information obtained from the screening process cannot be liable in any action brought by the applicant or provisional employee or charged for unemployment benefits in the case of the provisional employee.

The bill becomes effective September 12, 2012.