

May 10, 2000

S 1192. CRIM. RECORDS CHECKS/LONG-TERM CARE. TO REQUIRE CRIMINAL BACKGROUND CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY FOR CERTAIN APPLICANTS FOR EMPLOYMENT IN ADULT CARE HOMES, NURSING HOMES, AND HOME CARE AGENCIES, AND TO IMPOSE A CRIMINAL PENALTY FOR FALSIFYING INFORMATION ON EMPLOYMENT APPLICATIONS. GS 114-19.3 currently authorizes the Department of Justice to provide criminal records checks for individuals who are employed by (or are applying for employment with) nursing homes or combination homes licensed under GS Ch. 131E, adult care homes licensed under GS Ch. 131D, and home care agencies or hospices licensed under GS Ch. 131E. This bill moves those provisions to a new GS 114-19.10 with the following changes: (1) specifies that the criminal histories may come from the state and national repositories of criminal histories; (2) specifies procedures for handling the fingerprint cards necessary for the checks; and (3) removes reference to hospices. Also adds to GS 131D-40 (adult care homes) and GS 131E-265 (nursing homes and home care agencies) sections making it a Class A1 misdemeanor for an applicant for employment to furnish false information on an employment application that is the basis for a criminal history check. Effective Dec. 1, 2000.

Intro. by Rand.

Ref. to Judiciary I	GS 114, 131D, 131E
---------------------	--------------------

June 27, 2000

S 1192. CRIM. RECORD CHECKS/LONG-TERM CARE. Intro. 5/10/00. Senate committee substitute makes the following changes to 1st edition. Adds area authorities to the entities required by act to require persons to whom offers of employment have been made to submit to state or national criminal records checks, and adds new GS 122C-80 accordingly. For all criminal records checks covered by bill, requires persons who have been resident in NC for less than five years to submit to state and national criminal records check; persons who have been resident for five years or more need submit only to state records check. Permits agencies covered by bill to offer conditional employment to persons, before record check complete, if (1) person consents to records check and (2) agency submits records request within 5 days after person begins conditional employment. Protects agencies from liability for failure to consider criminal history information, when information not contained in criminal history record check requested and received pursuant to this bill. Adds new GS 131E-113 requiring nursing homes or combination homes that provide care for persons with Alzheimer's or other dementia in special care unit to make annual report to Department of Health and Human Resources, with copy to each person seeking placement within such a unit, or that person's representative, before entering into agreement with such person concerning special care. Sets out required information in this report. Makes new GS 131E-113 effective when it becomes law.

July 6, 2000

S 1192. CRIM. RECORD CHECKS/LONG-TERM CARE. Intro. 5/10/00. Senate committee substitute makes the following changes to 2nd edition. Directs NC Medical Comm'n to adopt rules providing that a combination home (a nursing home offering one or more levels of care) may choose to operate the adult care portion of the home in compliance with either the requirement applicable to freestanding adult care homes or the higher standard applicable to freestanding nursing homes. Amends title accordingly. Changes effective date of act to Jan. 1, 2001 (was Oct. 1, 2001).

July 12, 2000

S 1192. CRIM. RECORD CHECKS/LONG-TERM CARE. Intro. 5/10/00. House committee substitute changes limited immunity provisions in 3rd edition to provide that area authorities, adult care homes, home care agencies, and nursing homes that comply with this act are immune from liability for failure to otherwise check an employee's history of criminal offenses. Makes other technical changes.