



# HOUSE BILL No. 5996

December 13, 1994, Introduced by Reps Johnson, Varga, Pitomak, Hill, McBryde, Berman Brown Bankes, Bender Horton Lowe Stille Jamian Rocca Porreca Weeks Hammerstrom Gilmer and Shugars and referred to the Committee on Public Health

A bill to amend Act No 368 of the Public Acts of 1978,  
entitled as amended  
'Public health code "  
as amended, being sections 333 1101 to 333 25211 of the Michigan  
Compiled Laws by adding section 21720c

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Act No 368 of the Public Acts of 1978 as  
2 amended being sections 333 1101 to 333 25211 of the Michigan  
3 Compiled Laws, is amended by adding section 21720c to read as  
4 follows

5 SEC 21720C (1) UPON AN OFFER OF INITIAL EMPLOYMENT BEING  
6 MADE BY A NURSING HOME TO AN INDIVIDUAL FOR A NURSING PERSONNEL  
7 POSITION, THE NURSING HOME SHALL REQUEST FROM THE CRIMINAL  
8 RECORDS DIVISION OF THE DEPARTMENT OF STATE POLICE A CRIMINAL  
9 HISTORY CHECK ON THE INDIVIDUAL AND BEFORE EMPLOYING THE

1 INDIVIDUAL AS A REGULAR EMPLOYEE, SHALL HAVE RECEIVED FROM THE  
2 DEPARTMENT OF STATE POLICE THE REPORT DESCRIBED IN  
3 SUBSECTION (4)

4 (2) AN APPLICANT FOR A POSITION DESCRIBED IN SUBSECTION (1)  
5 SHALL GIVE WRITTEN CONSENT AT THE TIME OF APPLICATION FOR THE  
6 CRIMINAL RECORDS DIVISION OF THE DEPARTMENT OF STATE POLICE TO  
7 CONDUCT THE CRIMINAL HISTORY CHECK REQUIRED UNDER THIS SECTION

8 (3) A NURSING HOME SHALL MAKE A REQUEST TO THE CRIMINAL  
9 RECORDS DIVISION OF THE DEPARTMENT OF STATE POLICE FOR A CRIMINAL  
10 HISTORY CHECK REQUIRED UNDER THIS SECTION ON A FORM AND IN A  
11 MANNER PRESCRIBED BY THE CRIMINAL RECORDS DIVISION OF THE DEPART-  
12 MENT OF STATE POLICE

13 (4) WITHIN 30 DAYS AFTER RECEIVING A PROPER REQUEST FROM A  
14 NURSING HOME FOR A CRIMINAL HISTORY CHECK ON AN APPLICANT UNDER  
15 THIS SECTION, THE CRIMINAL RECORDS DIVISION OF THE DEPARTMENT OF  
16 STATE POLICE SHALL CONDUCT THE CRIMINAL HISTORY CHECK AND, AFTER  
17 CONDUCTING THE CRIMINAL HISTORY CHECK AND WITHIN THAT TIME  
18 PERIOD PROVIDE A REPORT OF THE RESULTS OF THE CRIMINAL HISTORY  
19 CHECK TO THE NURSING HOME THE REPORT SHALL CONTAIN ANY CRIMINAL  
20 HISTORY RECORD INFORMATION ON THE APPLICANT MAINTAINED BY THE  
21 CRIMINAL RECORDS DIVISION OF THE DEPARTMENT OF STATE POLICE

22 (5) CRIMINAL HISTORY RECORD INFORMATION RECEIVED FROM THE  
23 CRIMINAL RECORDS DIVISION OF THE DEPARTMENT OF STATE POLICE UNDER  
24 SUBSECTION (4) SHALL BE USED BY A NURSING HOME ONLY FOR THE PUR-  
25 POSE OF EVALUATING AN APPLICANT S QUALIFICATIONS FOR EMPLOYMENT  
26 IN THE POSITION FOR WHICH HE OR SHE HAS APPLIED A NURSING HOME  
27 ADMINISTRATOR OR OTHER NURSING HOME EMPLOYEE SHALL NOT DISCLOSE

1 THE REPORT OR ITS CONTENTS, EXCEPT ANY FELONY CONVICTION OR A  
2 MISDEMEANOR CONVICTION INVOLVING SEXUAL OR PHYSICAL ABUSE, TO ANY  
3 PERSON WHO IS NOT DIRECTLY INVOLVED IN EVALUATING THE APPLICANT S  
4 QUALIFICATIONS FOR EMPLOYMENT A PERSON WHO VIOLATES THIS SUB-  
5 SECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT  
6 MORE THAN \$10,000 00

7 (6) AS USED IN THIS SECTION, CRIMINAL HISTORY RECORD  
8 INFORMATION MEANS THAT TERM AS DEFINED IN SECTION 1A OF ACT  
9 NO 289 OF THE PUBLIC ACTS OF 1925, BEING SECTION 28 241A OF THE  
10 MICHIGAN COMPILED LAWS