



# HOUSE BILL No. 5472

December 12, 1995, Introduced by Reps. DeHart, Bush, Goschka, Prusi, Tesanovich, Martinez, Hood, Kelly, Brater and DeMars and referred to the Committee on Health Policy.

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, THE NURSING HOME SHALL  
7 REQUEST FROM THE CRIMINAL RECORDS DIVISION OF THE DEPARTMENT OF  
8 STATE POLICE A CRIMINAL HISTORY CHECK ON THE INDIVIDUAL AND,  
9 BEFORE EMPLOYING THE INDIVIDUAL AS A REGULAR EMPLOYEE, SHALL HAVE

1 RECEIVED FROM THE DEPARTMENT OF STATE POLICE THE REPORT DESCRIBED  
2 IN SUBSECTION (4).

3 (2) A NURSING HOME SHALL REQUIRE AN APPLICANT FOR EMPLOYMENT  
4 WITH THE NURSING HOME TO GIVE WRITTEN CONSENT AT THE TIME OF  
5 APPLICATION FOR THE CRIMINAL RECORDS DIVISION OF THE DEPARTMENT  
6 OF STATE POLICE TO CONDUCT THE CRIMINAL HISTORY CHECK REQUIRED  
7 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 A FELONY CONVICTION OR A  
2 MISDEMEANOR CONVICTION INVOLVING SEXUAL OR PHYSICAL ABUSE, TO A  
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.