

Fiscal Analysis

ADULT FOSTER CARE FACILITIES CRIMINAL HISTORY CHECK OF APPLICANTS



Bill/Sponsor **HOUSE BILL 5184 SUBSTITUTE H-2, Rep. Gary Woronchak**

House Committee Senior Health, Security and Retirement

Analysis

Summary

This bill would amend the Adult Foster Care Facility Licensing Act, Public Act 218 of 1979, to require adult foster care facilities to purchase criminal history checks of applicants to whom they have extended an offer of employment. The applicant would be required to sign a consent form allowing the Michigan Department of State Police to conduct a criminal history check. If the applicant has been a resident of Michigan for three or more years, then fingerprints are not required, and the charge to the adult foster care facility, which cannot pass this charge on to the applicant, would be \$10.00. If the applicant has been a resident for less than three years, then fingerprints are required, which are then furnished to the Federal Bureau of Investigation, and the resulting charge is \$54.00, which must be born by the adult foster care facility. Results of the criminal history check, which consist of the type of crime without disclosing details, are due back to the adult foster care facility within 30 days. This bill also prohibits the adult foster care facility from hiring an applicant who has been convicted of a felony within the past 15 years, or a misdemeanor involving abuse, neglect, assault, battery or criminal sexual conduct or involving fraud or theft against a vulnerable adult within the past 10 years. Note that an identical bill was enacted recently which applied these provisions to nursing homes, county medical care facilities and homes for the aged. See Public Health Code, Public Act 368 of 1978, Section 333.20173.

Fiscal Impact

There is no significant fiscal impact on the Family Independence Agency, which will assume responsibility for licensing of adult foster care facilities in December, 2003. The higher costs to adult foster care facilities may be mitigated to an indeterminate extent by lower liability insurance rates.

Analyst(s)

Richard Child

FLOOR ANALYSIS - 11/6/03

Mitchell Bean, Director – House Fiscal Agency
124 N. Capitol Avenue, Lansing, MI 48909
Phone: (517)373-8080, Fax: (517)373-5874
<http://www.house.mi.gov/hfa>