

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 947

Short Title: Caregiver Criminal Checks.

(Public)

Sponsors: Senators Winner, Odom, Horton, Parnell, and Cooper.

Referred to: Judiciary I/Constitution

May 2, 1995

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO PROVIDE
2 CRIMINAL RECORD CHECKS TO DOMICILIARY CARE FACILITIES, HOME
3 CARE AGENCIES, HOSPICES, LICENSED CHILD PLACING AGENCIES,
4 RESIDENTIAL CHILD CARE FACILITIES, AND OTHER PROVIDERS OF
5 TREATMENT FOR OR SERVICES TO CHILDREN, THE ELDERLY, AND THE
6 SICK AND DISABLED.
7

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 114-19.3 reads as rewritten:

10 "**§ 114-19.3. Criminal record checks of ~~personnel of hospitals, nursing homes, and~~**
11 **~~area mental health, developmental disabilities, and substance abuse~~**
12 **~~authorities and their contract agencies. providers of treatment for or~~**
13 **services to children, the elderly, mental health patients, the sick, and the**
14 **disabled.**

15 The Department of Justice may provide a criminal record check to a hospital or
16 nursing home licensed under Chapter 131E of the General Statutes and to a hospital or an
17 area mental health, developmental disabilities, and substance abuse authority licensed
18 under Chapter 122C of the General Statutes, including a contract agency of an area
19 authority that is subject to the provisions of Article 4 of Chapter 122C of the General
20 Statutes, of an individual who is employed by the hospital, nursing home, area authority,

1 ~~or contract agency or of an individual who has applied for employment with the hospital,~~
2 ~~nursing home, area authority, or contract agency if the employee or applicant consents to~~
3 ~~the record check. The information shall be kept confidential by the hospital, nursing~~
4 ~~home, area authority, or contract agency that received the information. Upon the~~
5 ~~disclosure of confidential information under this section by a hospital, nursing home, area~~
6 ~~authority, or contract agency, the Department may refuse to provide further criminal~~
7 ~~record checks to the hospital, nursing home, area authority, or contract agency. The~~
8 ~~Department shall charge a fee of ten dollars (\$10.00) for conducting a criminal record~~
9 ~~check under this section.~~

10 (a) The Department of Justice may provide a criminal record check of individuals who
11 are employed by or who have applied for employment with the following:

- 12 (1) Hospitals licensed under Chapter 131E of the General Statutes;
- 13 (2) Nursing homes licensed under Chapter 131E of the General Statutes;
- 14 (3) Domiciliary care facilities licensed under Chapter 131E of the General
15 Statutes;
- 16 (4) Home care agencies or hospices licensed under Chapter 131E of the
17 General Statutes;
- 18 (5) Child placing agencies licensed under Chapter 131D of the General
19 Statutes;
- 20 (6) Residential child care facilities licensed under Chapter 131D of the
21 General Statutes;
- 22 (7) Hospitals licensed under Chapter 122C of the General Statutes;
- 23 (8) Area mental health, developmental disabilities, and substance abuse
24 authorities licensed under Chapter 122C of the General Statutes,
25 including a contract agency of an area authority that is subject to the
26 provisions of Article 4 of Chapter 122C of the General Statutes;
- 27 (9) Licensed child day care facilities and registered and nonregistered child
28 day care homes, regulated by the State; and
- 29 (10) Any other organization or corporation, whether for profit or nonprofit,
30 that provides direct care or services to children, the sick, the disabled,
31 and the elderly.

32 (b) A criminal record check shall be provided only if the employee or applicant
33 consents to the record check. The information shall be kept confidential by the employer
34 that receives the information. Upon the disclosure of confidential information under this
35 section by the employer, the Department may refuse to provide further criminal record
36 checks to that employer.

37 (c) The Department of Justice, at the request of an agency, facility, organization,
38 or corporation listed in subsection (a) of this section, may provide a criminal record
39 check of a volunteer who provides direct care on behalf of the organization or corporation
40 if the volunteer consents to the record check. The information shall be kept confidential
41 and upon the disclosure of confidential information under this section by the agency,
42 facility, corporation, or organization, the Department may refuse to provide further
43 criminal record checks to that agency, facility, corporation, or organization.

1 (d) The Department of Justice, at the request of a child placing agency licensed
2 under Chapter 131D of the General Statutes or a local department of social services, may
3 provide a criminal record check of a prospective foster care or adoptive parent if the
4 prospective parent consents to the record check. The information shall be kept
5 confidential and upon the disclosure of confidential information under this section by the
6 agency or department, the Department may refuse to provide further criminal record
7 checks to that agency or department.

8 (e) The Department shall charge a fee of fourteen dollars (\$14.00) for conducting
9 a criminal record check under this section."

10 Sec. 2. This act becomes effective July 1, 1995, and applies to checks made on
11 or after that date.