

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB- 195 (PCS)

SHORT TITLE: Criminal Record Checks for Nurses

SPONSOR(S): Sen. Rand

FISCAL IMPACT					
	Yes (X)	No ()	No Estimate Available ()		
	<u>FY 2001-02</u>	<u>FY 2002-03</u>	<u>FY 2003-04</u>	<u>FY 2004-05</u>	<u>FY 2005-06</u>
REVENUES	149,264	298,528	298,528	298,528	298,528
EXPENDITURES	153,829	302,658	302,658	302,658	302,658
POSITIONS:	1.0	1.0	1.0	1.0	1.0
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Department of Justice, State Bureau of Investigation					
EFFECTIVE DATE: January 1, 2002					

BILL SUMMARY: To allow the Department of Justice to conduct criminal history record checks from state and national repositories of criminal history of applicants for licensure as registered nurses or licensed practical nurses upon the request of the North Carolina Board of Nursing, to authorize the Board of Nursing to require criminal history record checks of persons applying to practice nursing in the state of North Carolina, and to amend the powers of the Board of Nursing to allow the Department of Justice to conduct criminal history record checks upon the Board's request. Adds new GS 114-19.11, which authorizes the Department of Justice to do criminal history record checks as indicated in title; requires that a request from the NC Board of Nursing include the subject's fingerprints and written consent; requires the Board to keep all information obtained under the section confidential; and authorizes the Department of Justice to charge a fee to offset the cost of the record checks. Adds new GS 90-171.48, which defines "criminal history" for purposes of records checks; makes an applicant's refusal to consent to a criminal history record check grounds for denial of licensure; specifies types of convictions that may be the basis of the Board's denial of licensure, but only after considering specified factors that include seriousness of the crime, date of crime, person's age at time of conviction, circumstances of the crime if known, nexus between the crime and job duties, the person's employment and other records

since the date of the crime, and the person's commission of any subsequent crimes. Allows applicant who is denied licensure on the basis of criminal history to appear before the Board to appeal the decision, and provides that the appearance constitutes an exhaustion of administrative remedies. Makes conforming amendment to GS 90-171.23(b). Effective Jan. 1, 2002.

ASSUMPTIONS AND METHODOLOGY: The North Carolina Board of Nursing issued 7,856 new licenses in calendar year 2000. Because the Board of Nursing does not project the annual number of new licensure applicants. Therefore, it was assumed that 7,856 new licenses would be issued annually in future years.

The proposal allows the NC Department of Justice to charge a fee to offset the cost of the background checks. The State Bureau of Investigation (SBI) currently charges \$38.00 to offset the cost to perform a state and national criminal history check. Of this amount, \$22.00 is remitted to the Federal Bureau of Investigation (FBI) for the cost of the national fingerprint/criminal history check. The remaining \$16.00 is retained by the SBI to offset costs associated with conducting the state criminal history check and with mailing, processing, and filing the documents. According to an April 2000 Office of State Budget and Management fee study, the SBI's cost to conduct a criminal history check was \$12.95 in 1999. Since it is the most recent data available, this figure was used to estimate the cost of this proposal. However, this estimate may understate actual SBI costs because it has not been adjusted to reflect any increases in salary, benefits, or other operating costs that have occurred since 1999.

According to SBI staff, one additional processing assistant would be needed to accommodate 7,856 more criminal history checks annually. While the additional fingerprint database searches can be accommodated within existing resources, the processing assistant would be needed to process, mail, and file documents associated with the criminal history checks. The salary and benefit costs for the clerk, Pay grade 59, would be \$28,091 annually. In addition, \$2,500 would be needed in the first year for non-recurring operating costs such as furniture, computers, telephone, etc.

TECHNICAL CONSIDERATIONS:

FISCAL RESEARCH DIVISION 733-4910

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DATE: July 16, 2001



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