GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1703*
Committee Substitute Favorable 5/26/10

Short Title: Adult Day Care Criminal Record Check Process. (Public)

Sponsors:

Referred to:

May 13, 2010

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DIVISION OF AGING AND ADULT SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO STUDY THE ISSUE OF CRIMINAL HISTORY RECORD CHECKS FOR CURRENT AND PROSPECTIVE OWNERS, OPERATORS, AND VOLUNTEERS OF ADULT DAY CARE PROGRAMS AND ADULT DAY HEALTH SERVICES PROGRAMS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The Division of Aging and Adult Services, Department of Health and Human Services, shall study the issue of criminal history record checks for owners, operators, volunteers, and prospective owners, operators, and volunteers in adult day care programs and adult day health services programs. In conducting the study, the Division of Aging and Adult Services shall seek input from the North Carolina Adult Day Services Association and shall ensure that the current process used for adult day care employee criminal history record checks is incorporated into the study. The study shall include the following elements:

(1) Identifying the positions that warrant a criminal history record check.
(2) Developing a process for conducting the criminal history record check.
(3) Designating the entity responsible for requesting the criminal history record check.
(4) Designating the entity responsible for paying for the criminal history record check.
(5) Determining whether a State or a national criminal history record check, or both, is performed.
(6) Defining the relevant offenses that indicate an individual's fitness to have responsibility for the safety and well-being of program participants.
(7) Any other issues deemed appropriate.

SECTION 1.(b) The Division of Aging and Adult Services, Department of Health and Human Services, shall report findings and recommendations on criminal history record checks in adult day and adult day health services programs to the North Carolina Study Commission on Aging on or before November 1, 2010.

SECTION 2. This act is effective when it becomes law.