

BILL SUMMARY
2nd Session of the 53rd Legislature

Bill No.:	HB 2582
Version:	Committee Substitute
Request Number:	9295
Author:	Rep. Jeannie McDaniel
Date:	2/13/2012
Impact:	OSDH: Budget Neutral

Research Analysis

The Committee Substitute for HB 2582 delineates the conditions under which the following entities are prohibited from employing or contracting with persons who have direct patient access:

nursing facilities, residential care homes, adult day care centers, assisted living centers, continuum of care facilities, home health agencies, certain DHS operated or contracted health services, hospice agencies, Medicaid home- and community based services waived providers and agencies that provide direct care staff to these entities.

The measure requires these employers to submit certain identifying information to the Oklahoma State Health Department (OSDH) for the purpose of conducting a check of all relevant registries established by federal and state law to determine if there are any findings that would prohibit an applicant's employment. The bill further directs the department to submit fingerprints to the OSBI for the performance of a criminal history check on applicants whose registry check doesn't reveal any basis to deny employment but who do not have a monitored employment record.

OSDH is required to establish a database to store the records of an employer's prospective and current employees, the results of the screening and criminal arrest records search and provisions that will allow the department to be notified if a subsequent criminal arrest record matches a set of fingerprints previously submitted.

The Department is directed to use National Background Check grant funds, fee collections and Medicaid matching funds for implementation and administration of the program.

Finally, the measure authorizes employers to conditionally employ or contract with an applicant before receiving the results of the criminal history check for no more than 60 days under certain conditions.

Prepared By: Marcia Goff

Fiscal Analysis

According to officials at the State Department of Health (OSDH): The fee established in statute for a fingerprint based national criminal history search through the Okla. State Bureau of Investigation (OSBI) and Federal Bureau of Investigation (FBI) is \$41.

To fund a fingerprint based national background check for long term care providers, this proposal would continue existing fees to providers equivalent to those charged for a name based check and sex and violent offender search (\$19), coupled with a one-time fee of \$10 to the applicant. Combined, portions of these fees would be used to obtain Medicaid dollars. The fees,

Medicaid dollars and grant funds available in the initial three years, would fund the total expense of fingerprinting and administration through the year 2020.

For these reasons HB 2582 in its current form will be budget neutral for OSDH. The measure has \$0 direct fiscal impact on the State Budget and Appropriations.

Prepared By: John McPhetridge

Other Considerations

According to officials at OSDH the long term fiscal considerations for the program are as follows: the system would rely on electronic criminal history monitoring (rap-back) capability so that once the applicant has been fingerprinted a repeat fingerprint, when applying to a new employer within the industry, is not necessary, although a new employer would pay the \$19 criminal history screening and monitoring fee. Financial models conservatively rely on using collected fees to leverage Medicaid funds for 22% of the projected workforce. Based on a 22% Medicaid match population, the fees would require authorization for adjustment in year 2020 to a rate of \$25 for providers and \$13 for the applicant. However, experience of the pilot states found in excess of 44% of the workforce came from Medicaid providers. This ratio would present a significantly larger pool of applicants for which Medicaid dollars would be available and if realized would allow for fee reductions upon stabilization of costs and fingerprinting volume