

BILL SUMMARY
2nd Session of the 53rd Legislature

Bill No.:	HB 2582
Version:	Conf. Comm. Sub. (CCR A)
Request Number:	10520
Author:	Rep. J. McDaniel/ Sen. Adelson
Date:	5/15/2012
Impact:	OSDH: \$0 net impact

Research Analysis

The Conference Committee Substitute for HB 2582 delineates the conditions relating to criminal history 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, 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. Medicaid home and community-based services waived providers are exempt from these requirements but they must obtain a name-based state criminal history record check on job applicants from the OSBI. The bill adds conditions under which an applicant who has been disqualified from or denied employment based on the results of the screening and background check process can appeal the decision. OSDH will adopt the criteria by which the disqualification or denial can be waived including consideration of the passage of time, extenuating circumstances, demonstration of rehabilitation and the relevance of the disqualifying information to the job being applied for.

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 to include a process that will allow the department to be notified if a subsequent criminal arrest record matches a set of fingerprints previously submitted. The department is further authorized to collect a fee of \$19.00 from employers for this purpose.

Finally, pending final rulemaking to implement all provisions of the act, the measure authorizes employers to temporarily employ an applicant if the applicant's name and relevant information have been provided to the OSBI within 72 hours of the applicant's acceptance of the job offer for the purpose of conducting a criminal history background check.

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