

# HB2582 -- Oklahoma Long Term Care National Background Check Program

63 OS § 1-1945 *et seq.*

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## Description:

- Creates statutory authority to implement a fingerprint based National Background Check on employees of certain classes of long term care providers for the purposes of protecting our vulnerable populations in Long Term Care Settings. Applies to nursing, assisted living, and residential care facilities; hospice and home health agencies; intermediate care and group homes for individuals with intellectual disabilities; Medicaid home and community-based waived service providers as defined in Section 1915(c) or 1915(i) of the Social Security Act may participate on a voluntary basis.

## Rationale/Reason for Program:

- Current name based background checks apply to a limited class of employees and are not national in scope. Evidence exists of employees in long term care settings with criminal and abuse findings crossing state boundaries to continue employment in long term care settings
- Avoids duplicate fingerprinting and the associated costs to employers and citizens on changes in employer within the industry.
- Relies on live scan fingerprint vendor to collect digital image fingerprint, yielding more reliable fingerprints the first time, reducing delays in processing and inconvenience to applicants.
- Live scan vendor to serve multiple agencies with recently imposed fingerprint based background statutes through a statewide network offering 30-minute drive time access giving greater access to teachers and child-care service workers who can also use the system.
- Shared contracting with a live scan vendor keeps fingerprinting costs lower.
- Does not apply to current employees; applies to all future applicants who have, ***on an ongoing basis***, direct access to patients, clients, or residents of the provider
- Authorizes the collection and submission to the OSBI, & FBI, fingerprints for the purposes of conducting a national criminal history records search with the results to be shared with a determination unit administered by the Department of Health, the agency responsible for licensure of most long term care providers. The Determination unit will rely on advanced web-mail services to notify employers and employees of eligibility determinations.
- Authorizes the Department of Health to develop and implement a single web portal to consolidate registry checking, allowing facilities to check relevant multi-state abuse/disqualification/and sex offender registries from one site. Identifies employment disqualifying abuse/neglect/disqualification and sex offender registries
- Employers' current name based background and sex & violent offender checking fees are converted to a criminal history enrollment fee of \$19. The enrollment fees coupled with a one-time applicant-scanning fee of \$10 are used to leverage additional Medicaid funds. These funds, combined with initial three-year grant start up funds and a diminishing fingerprint load, finance the system.

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- Voluntarily allows employers to request fingerprinting of current employees, at their consent, at cost of \$65 to the employer [\$41 OSBI & FBI Fingerprinting Cost + \$15 LiveScan Vendor Cost + \$9 Agency Cost].
- Relies on disqualifying criminal offenses as established by the respective employee's licensure or certifying authority
- Provides for conditional employment before a facility receives a determination on the results of an applicant's criminal history check and creates appeal process.
- A monitored criminal history record means the cost of re-fingerprinting is not required for employees who change employers in this industry and allows immediate eligibility determinations for enrolled applicants
- Amends nurse aide and non-technical service worker disqualifying offenses law to allow for rehabilitation
- The proposal is modeled on the system currently used in the State of Michigan where 85% of criminal history results are returned within one day of fingerprinting
- Goals:
  - Reduce incidence of abuse, neglect, and exploitation by 5%
  - Cost neutral to providers through use of minimized re-fingerprinting and leveraged Medicaid Funds
  - Provide an efficient and effective means for an employer to check an applicant's status prior to paying the cost of criminal history enrollment
  - Ensure applicants are not misidentified and barred from gainful employment based on name based searches