

§ 143B-1209.12. Criminal record checks of providers of treatment for or services to children, the elderly, mental health patients, the sick, and the disabled.

(a) Authority. – The State Bureau of Investigation may provide to any of the following entities a criminal record check of an individual who is employed by that entity, has applied for employment with that entity, or has volunteered to provide direct care on behalf of that entity:

- (1) Hospitals licensed under Chapter 131E of the General Statutes.
- (2) Hospices licensed under Chapter 131E of the General Statutes.
- (3) Child placing agencies licensed under Chapter 131D of the General Statutes.
- (4) Residential child care facilities licensed under Chapter 131D of the General Statutes.
- (5) Hospitals licensed under Chapter 122C of the General Statutes.
- (6) Licensed child care facilities and nonlicensed child care homes regulated by the State.
- (7) Any other organization or corporation, whether for profit or nonprofit, that provides direct care or services to children, the sick, the disabled, or the elderly.

(b) Procedure. – A criminal record check may be conducted by using an individual's fingerprint or any information required by the Bureau to identify that individual. A criminal record check shall be provided only if the individual whose record is checked consents to the record check. The information shall be kept confidential by the entity that receives the information. Upon the disclosure of confidential information under this section by the entity, the Bureau may refuse to provide further criminal record checks to that entity.

(c) Foster or Adoptive Parent. – The Bureau, at the request of a child placing agency licensed under Chapter 131D of the General Statutes or a local department of social services, may provide a criminal record check of a prospective foster care or adoptive parent if the prospective parent consents to the record check. The information shall be kept confidential and upon the disclosure of confidential information under this section by the agency or department, the Bureau may refuse to provide further criminal record checks to that agency or department.

(d) Fee. – The Bureau may charge a fee to offset the cost incurred by it to conduct a criminal record check under this section. The fee may not exceed fourteen dollars (\$14.00). (1993, c. 403, s. 1; 1995, c. 453, s. 1; 1995 (Reg. Sess., 1996), c. 606, s. 1; 1997-506, s. 38; 2000-154, s. 5; 2003-214, s. 1(2); 2014-100, s. 17.1(m), (o); recodified from N.C. Gen. Stat. 143B-932 by 2023-134, s. 19F.4(i), (j).)