

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**SENATE BILL 826  
Health Care Committee Substitute Adopted 4/19/01  
Third Edition Engrossed 4/23/01  
House Committee Substitute Favorable 7/10/01  
House Committee Substitute #2 Favorable 10/24/01**

Short Title: Criminal Record Check Change/Long-Term Care.

(Public)

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Sponsors:

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Referred to:

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April 3, 2001

A BILL TO BE ENTITLED

1  
2 AN ACT TO SUSPEND THE REQUIREMENT FOR A NATIONAL CRIMINAL  
3 HISTORY RECORD CHECK FOR CERTAIN APPLICANTS FOR CERTAIN  
4 POSITIONS IN CERTAIN LONG-TERM CARE FACILITIES BECAUSE OF  
5 FEDERAL REQUIREMENTS LIMITING DISTRIBUTION OF RECORD CHECK  
6 RESULTS UNTIL JANUARY 1, 2003, AND TO AUTHORIZE THE  
7 LEGISLATIVE RESEARCH COMMISSION TO STUDY CRIMINAL HISTORY  
8 RECORD CHECKS.

9 The General Assembly of North Carolina enacts:

10       **SECTION 1.(a)** Notwithstanding G.S. 131E-265, the requirements of that  
11 statute for nursing homes and home care agencies to conduct national criminal history  
12 record checks shall apply only to nursing home and home care agency employment  
13 positions involving direct patient care, and the national checks shall be conducted in  
14 accordance with Public Law 105-277.

15       **SECTION 1.(b)** This section expires January 1, 2003.

16       **SECTION 2.(a)** The requirements of G.S. 131E-265(a1) for contract  
17 agencies of nursing homes and home care agencies, G.S. 131D-40 for adult care homes  
18 and contract agencies of adult care homes, and of G.S. 122C-80 for area mental health,  
19 developmental disabilities, and substance abuse services authorities, to conduct national  
20 criminal history record checks are suspended until January 1, 2003.

21       **SECTION 2.(b)** The requirements of G.S. 131E-265(a) for nursing homes  
22 and home care agencies to conduct national criminal history record checks for  
23 employment positions other than those involving direct patient care are suspended until  
24 January 1, 2003.

25       **SECTION 3.(a)** The Legislative Research Commission may study how  
26 federal law affects the distribution of national criminal history record check information

1 requested for nursing homes, home care agencies, adult care homes, assisted living  
2 facilities, and area mental health, developmental disabilities, and substance abuse  
3 services authorities, and the problems federal restrictions pose for effective and efficient  
4 implementation of State-required criminal record checks. The study may include the  
5 following:

- 6 (1) Ways in which national record checks may be obtained and reviewed  
7 for these facilities to effectuate State policy and protections of facility  
8 residents, and the advantages, disadvantages, and costs of various  
9 approaches to implementation.
- 10 (2) A review of ways in which national record checks are obtained by the  
11 Division of Child Development, Department of Health and Human  
12 Services, and other State agencies, and related costs to the State.
- 13 (3) Solutions adopted by other states to effectively and efficiently  
14 implement criminal record check requirements, including costs to the  
15 State in implementing these solutions.
- 16 (4) Other issues relevant to State requirements for criminal history record  
17 checks in long-term care facilities.

18 The Legislative Research Commission may make its findings and  
19 recommendations in a final report to the 2002 Regular Session of the 2001 General  
20 Assembly.

21 **SECTION 4.** This act is effective when it becomes law.