

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 453
HOUSE BILL 807

AN ACT TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO PROVIDE CRIMINAL RECORD CHECKS TO DOMICILIARY CARE FACILITIES, HOME CARE AGENCIES, HOSPICES, LICENSED CHILD PLACING AGENCIES, RESIDENTIAL CHILD CARE FACILITIES, AND OTHER PROVIDERS OF TREATMENT FOR OR SERVICES TO CHILDREN, THE ELDERLY, AND THE SICK AND DISABLED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 114-19.3 reads as rewritten:

"§ 114-19.3. Criminal record checks of ~~personnel of hospitals, nursing homes, and area mental health, developmental disabilities, and substance abuse authorities and their contract agencies.~~ providers of treatment for or services to children, the elderly, mental health patients, the sick, and the disabled.

~~The Department of Justice may provide a criminal record check to a hospital or nursing home licensed under Chapter 131E of the General Statutes and to a hospital or an area mental health, developmental disabilities, and substance abuse authority licensed under Chapter 122C of the General Statutes, including a contract agency of an area authority that is subject to the provisions of Article 4 of Chapter 122C of the General Statutes, of an individual who is employed by the hospital, nursing home, area authority, or contract agency or of an individual who has applied for employment with the hospital, nursing home, area authority, or contract agency if the employee or applicant consents to the record check. The information shall be kept confidential by the hospital, nursing home, area authority, or contract agency that received the information. Upon the disclosure of confidential information under this section by a hospital, nursing home, area authority, or contract agency, the Department may refuse to provide further criminal record checks to the hospital, nursing home, area authority, or contract agency. The Department shall charge a fee of ten dollars (\$10.00) for conducting a criminal record check under this section.~~

(a) The Department of Justice may provide a criminal record check to the employer of an individual who is employed by or who has applied for employment with the following:

- (1) Hospitals licensed under Chapter 131E of the General Statutes;
- (2) Nursing homes licensed under Chapter 131E of the General Statutes;
- (3) Domiciliary care facilities licensed under Chapter 131E of the General Statutes;

- (4) Home care agencies or hospices licensed under Chapter 131E of the General Statutes;
- (5) Child placing agencies licensed under Chapter 131D of the General Statutes;
- (6) Residential child care facilities licensed under Chapter 131D of the General Statutes;
- (7) Hospitals licensed under Chapter 122C of the General Statutes;
- (8) Area mental health, developmental disabilities, and substance abuse authorities licensed under Chapter 122C of the General Statutes, including a contract agency of an area authority that is subject to the provisions of Article 4 of Chapter 122C of the General Statutes;
- (9) Licensed child day care facilities and registered and nonregistered child day care homes, regulated by the State; and
- (10) 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) A criminal record check shall be provided only if the employee or applicant consents to the record check. The information shall be kept confidential by the employer that receives the information. Upon the disclosure of confidential information under this section by the employer, the Department may refuse to provide further criminal record checks to that employer.

(c) The Department of Justice, at the request of an agency, facility, organization, or corporation listed in subsection (a) of this section, may provide a criminal record check of a volunteer who provides direct care on behalf of the organization or corporation if the volunteer consents to the record check. The information shall be kept confidential and upon the disclosure of confidential information under this section by the agency, facility, corporation, or organization, the Department may refuse to provide further criminal record checks to that agency, facility, corporation, or organization.

(d) The Department of Justice, 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 Department may refuse to provide further criminal record checks to that agency or department.

(e) The Department 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)."

Sec. 2. This act becomes effective October 1, 1995, and applies to checks made on or after that date.

In the General Assembly read three times and ratified this the 18th day of July, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives