

2024 -- H 8303

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND
HOSPITALS -- EMPLOYEE CRIMINAL RECORDS CHECK

Introduced By: Representatives Finkelman, Spears, Dawson, and Costantino

Date Introduced: May 23, 2024

Referred To: House Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 40.1-25.1-3 of the General Laws in Chapter 40.1-25.1 entitled
2 "Employee Criminal Records Check" is hereby amended to read as follows:

3 **40.1-25.1-3. Criminal records check requirement.**

4 (a) Any facility or program licensed by the department pursuant to § 40.1-24-1 et seq. and
5 any facility or program operated by the department shall require all applicants for employment, if
6 that employment involves routine contact with patients, residents, or clients without the presence
7 of other employees, to apply to the bureau of criminal identification of the state police or the local
8 police department or, [a qualified vendor, or](#) for organizations employing two hundred fifty (250)
9 or more employees only, the office of the attorney general for a nationwide criminal records check.
10 The check will conform to the applicable state and federal standards, including the taking of
11 fingerprints of the applicant. Fingerprints shall be initially submitted to the office of the attorney
12 general for a check of state records and thereafter forwarded to the Federal Bureau of Investigation
13 ("FBI") for a national criminal history check. The criminal records checks as required by this
14 section shall be conducted for every five (5) years of continuous employment from the date of the
15 previous criminal background check.

16 (b) If any disqualifying information is discovered with respect to the applicant, the bureau
17 of criminal identification of the state police or the local police department or the office of the
18 attorney general will inform the employer, in writing, without disclosing the nature of the

1 disqualifying information, that an item of disqualifying nature has been discovered. In addition, the
2 bureau of criminal identification of the state police or the local police department or the office of
3 the attorney general will inform the applicant, in writing, of the nature of the disqualifying
4 information. The results of the national criminal records check shall be made available to the
5 applicant undergoing a records check and submitting fingerprints.

6 (c) In those situations in which no disqualifying information has been found, the bureau of
7 criminal identification of the state police or the local police department or the office of the attorney
8 general shall inform both the applicant and the employer of this fact.

9 (d) The employer will maintain on file, subject to investigation by the department, evidence
10 that criminal records checks in accordance with this statute have been initiated on all employees
11 seeking employment after August 1, 2001, and the results of the checks. Failure to maintain the
12 evidence on file will be prima facie grounds to revoke the license or certification of the operator of
13 any facility or program licensed or certified by the department.

14 (e) It shall be the responsibility of the bureau of criminal identification of the state police
15 or the local police department or the office of the attorney general to conduct the national criminal
16 records check for the applicant. Any expense associated with obtaining the criminal records check
17 required pursuant to subsection (a) of this section with respect to organizations employing two
18 hundred fifty (250) or more employees, including the taking of fingerprints of the applicant, shall
19 be paid by the organization requiring the criminal records check.

20 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND
HOSPITALS -- EMPLOYEE CRIMINAL RECORDS CHECK

1 This act would allow applicants for employment in programs operated by the department
2 involving routine contact with patients, residents, or clients without the presence of other
3 employees to apply to a qualified vendor for a national criminal records check.

4 This act would take effect upon passage.

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