

2021 -- H 5486

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

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

Introduced By: Representative John G. Edwards

Date Introduced: February 10, 2021

Referred To: House State Government & Elections

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 of
7 other employees, to apply to the bureau of criminal identification of the state police or the local
8 police department [or, for organizations employing two hundred fifty \(250\) or more employees only,](#)
9 [the office of the attorney general](#) for a nationwide criminal records check. The check will conform
10 to the applicable federal standards, including the taking of fingerprints of the applicant. [The](#)
11 [criminal records checks as required by this section shall be conducted for every five \(5\) years of](#)
12 [continuous employment from the state of the previous criminal background check.](#)

13 (b) If any disqualifying information is discovered with respect to the applicant, the bureau
14 of criminal identification of the state police or the local police department [or the office of attorney](#)
15 [general](#) will inform the employer, in writing, without disclosing the nature of the disqualifying
16 information, that an item of disqualifying nature has been discovered. In addition, the bureau of
17 criminal identification of the state police or the local police department [or the office of the attorney](#)
18 [general](#) will inform the applicant, in writing, of the nature of the disqualifying information. An

1 applicant against whom disqualifying information has been found may request that a copy of the
2 criminal background report be sent to the employer who shall make a judgment regarding the
3 employment of the applicant.

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

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

12 (e) It shall be the responsibility of the bureau of criminal identification of the state police
13 or the local police department [or the office of the attorney general](#) to conduct the national criminal
14 records check for the applicant. [Any expense associated for providing the criminal records' check,](#)
15 [including the taking of fingerprints of the applicant, shall be paid by the applicant and/or the](#)
16 [requesting agency.](#)

17 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 require all applicants for employment with the department of behavioral
2 healthcare, developmental disabilities and hospitals or any of its licensed facilities or programs to
3 have the attorney general's office conduct their mandated nationwide criminal records' check. The
4 cost of the criminal records' check, including fingerprints, to be paid by the job applicant and/or the
5 requesting agency.

6 This act would take effect upon passage.

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