

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 1051

Short Title: ICF/MR Criminal Checks/AB.

(Public)

Sponsors: Senator Sherron.

Referred to: Judiciary I/Constitution

May 4, 1995

A BILL TO BE ENTITLED

AN ACT TO EXTEND ACCESS TO CRIMINAL RECORD CHECKS TO
INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED.

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, intermediate care facilities for the mentally retarded (ICF/MR), and area mental health, developmental disabilities, and substance abuse authorities and their contract agencies.**

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~~ hospital, intermediate care facility for the mentally retarded (ICF/MR), 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, ICF/MR, area authority, or contract agency or of an individual who has applied for employment with the hospital, nursing home, ICF/MR, 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, ICF/MR, area authority, or contract agency that received the information.

1 Upon the disclosure of confidential information under this section by a hospital, nursing
2 home, ICF/MR, area authority, or contract agency, the Department may refuse to provide
3 further criminal record checks to the hospital, nursing home, ICF/MR, area authority, or
4 contract agency. The Department shall charge a fee of ten dollars (\$10.00) for
5 conducting a criminal record check under this section."

6 Sec. 2. This act is effective upon ratification.