

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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SENATE DRS75317-SHz-27A* (04/01)

Short Title: Adult Day Care Criminal Record Check Process.

(Public)

Sponsors: Senators Swindell, Dorsett, Forrester, Queen, and Bingham.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO DIRECT THE DIVISION OF AGING AND ADULT SERVICES,
3 DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO STUDY THE ISSUE OF
4 CRIMINAL HISTORY RECORD CHECKS FOR CURRENT AND PROSPECTIVE
5 OWNERS, OPERATORS, AND VOLUNTEERS OF ADULT DAY CARE PROGRAMS
6 AND ADULT DAY HEALTH SERVICES PROGRAMS, AS RECOMMENDED BY THE
7 NORTH CAROLINA STUDY COMMISSION ON AGING.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.(a)** The Division of Aging and Adult Services, Department of Health
10 and Human Services, shall study the issue of criminal history record checks for owners,
11 operators, volunteers, and prospective owners, operators, and volunteers, in adult day care
12 programs and adult day health services programs. The Department shall also ensure the current
13 process used for adult day care employee criminal history record checks is incorporated into the
14 study. In conducting the study, the Division of Aging and Adult Services shall seek input from
15 the North Carolina Adult Day Services Association. The study shall include the following
16 elements:

- 17 (1) Identifying the positions that warrant a criminal history record check.
- 18 (2) Developing a process for conducting the criminal history record check.
- 19 (3) Designating the entity responsible for requesting the criminal history record
20 check.
- 21 (4) Designating the entity responsible for paying for the criminal history record
22 check.
- 23 (5) Determining whether a State or a national criminal history record check, or
24 both is performed.
- 25 (6) Defining the relevant offenses that indicate an individual's fitness to have
26 responsibility for the safety and well-being of program participants.
- 27 (7) Any other issues deemed appropriate.

28 **SECTION 1.(b)** The Department of Health and Human Services shall report
29 findings and recommendations to the North Carolina Study Commission on Aging on or before
30 November 1, 2010.

31 **SECTION 2.** This act is effective when it becomes law.



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