

News and Legislation Relating to Employment and Background Checks

News and Federal Legislation:

Background Checks

- On April 13th, the Department of Homeland Security published a 30-day notice and request for comments in the Federal Register (75 FR 18850) related to the implementation of the Chemical Facility Anti-Terrorism Standards, which requires high-risk chemical facilities to submit criminal history background check information about facility personnel and unescorted visitors with access to restricted areas or critical assets. The information will be vetted against the Terrorist Screening Database. Comments will be accepted through May 13, 2010.
(<http://www.gpo.gov:80/fdsys/pkg/FR-2010-04-13/pdf/2010-8312.pdf>)
- On April 13th, the Federal Bureau of Investigation published a final rule in the Federal Register (75 FR 18751) that sets out the Director's authority to establish and collect fees for providing fingerprint and name-based criminal history background check information and other identification services submitted by authorized users for noncriminal justice purposes.
(<http://www.gpo.gov:80/fdsys/pkg/FR-2010-04-13/pdf/2010-8385.pdf>)

News and State Legislation:

Background Checks

- On April 9th, Maine enacted a bill (H.B. 1019) that requires licensed, certified or registered providers to secure a criminal history background check prior to hiring or placing a person who will have direct contact with a consumer. The bill requires providers such as hospitals, nursing facilities, ambulatory surgical facilities, intermediate care facilities for persons with mental retardation and other types of providers to pay for the criminal history background checks.
(http://www.mainelegislature.org/legis/bills/bills_124th/billpdfs/HP101901.pdf)
- On April 9th, the Maryland House passed a bill (S.B. 1041) that would require applicants for a license to practice psychology to submit fingerprints at their own cost to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services. The bill would also require such applicants to submit to a criminal history background check performed by the Federal Bureau of Investigation. The bill had previously been passed by the Maryland Senate on April 2nd.
(<http://mlis.state.md.us/2010rs/bills/sb/sb1041t.pdf>)
- On March 30th, Utah enacted a bill (H.B. 106) that amends provisions of the Utah Human Services Code to establish a pilot program for expedited criminal history background checks of certain human services providers.
(<http://le.utah.gov/~2010/bills/hbillenr/hb0106.pdf>)
- On March 29th, the Iowa House passed a bill (S.B. 2379) that would require a criminal history background check on applicants to carry weapons.
(http://coolice.legis.state.ia.us/linc/SF2379_Enrolled.pdf)
- On March 29th, Utah enacted a bill (H.B. 275) that provides for the suspension of a license, registration, or certification as a real estate agent following a criminal history background check if certain violations are found.
(<http://le.utah.gov/~2010/bills/hbillenr/hb0275.pdf>)

- On March 18th, Indiana enacted a bill (S.B. 356) that allows criminal history background checks for employees of home health agencies and personal services agencies to be provided through a private agency. The bill establishes procedures for the attorney general to seize, secure, store, and destroy abandoned or at risk health records and other records containing personally identifying information.
(<http://www.in.gov/legislative/bills/2010/SE/SE0356.1.html>)
- On March 6th, the Maryland Senate passed a bill (H.B. 179) that would authorize the State Board of Nursing to issue a temporary license to an individual who has taken and passed an examination, but is waiting for the completion of a criminal history background check.
(<http://mlis.state.md.us/2010rs/bills/hb/hb0179t.pdf>)