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Senate of Pennsylvania

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**TO:** ALL SENATORS  
**FROM:** Senator Patricia H. Vance  
**DATE:** February 3, 2011  
**SUBJECT:** Memo #12 – Criminal Background Check Legislation for Hospital and Nursing Home Employees

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In the near future, I plan to reintroduce SB 651 and SB 743 from last session that will enhance consumer protection measures for hospital patients and nursing home residents by requiring criminal background checks of employees. If you would like to co-sponsor this measure, please email Tracy Polovick ([tpolovick@pasen.gov](mailto:tpolovick@pasen.gov)) or contact my office at 787-8524.

**Senate Bill 651**

On December 30, 2003, the PA Supreme Court affirmed a 2001 Commonwealth Court ruling which found the criminal history background check provisions of the Older Adults Protective Services Act unconstitutional as applied to the individual plaintiffs. As a result, certain changes to the law are warranted in order to reestablish these protections.

This legislation will amend Section 503 of the Older Adults Protective Services Act to draw a distinction between offenses that would warrant a lifetime ban on employment and those that would warrant a ban on employment for a period of ten years immediately preceding the date of the report, not including any time spent in incarceration. I believe it is important to note that a 10-year look back currently exists in law with regard to physicians and nurses. The legislation distinguishes between offenses that constitute serious physical harm, a threat of serious physical harm or conduct which evidences a reckless disregard for the vulnerability of care-dependent populations and offenses related to misappropriation or misuse of property or convictions which involved inappropriate or irresponsible behavior.

**Senate Bill 743**

This legislation will require criminal background checks of all current hospital employees and all future applicants for employment.

Individuals convicted of offenses which constitute serious physical harm, a threat of serious physical harm or conduct which evidences a reckless disregard for the vulnerability of hospital patients would be subject to a lifetime ban on hospital employment. Commission of any offenses related to misappropriation or misuse of property or convictions which involved inappropriate or irresponsible behavior would result in a ban on employment for ten years, not including any time spent in incarceration.