

OLDER ADULTS PROTECTIVE SERVICES ACT - INFORMATION RELATING TO  
PROSPECTIVE FACILITY PERSONNEL

Act of Oct. 24, 2012, P.L. 1412, No. 175

Cl. 35

Session of 2012

No. 2012-175

HB 2407

AN ACT

Amending the act of November 6, 1987 (P.L.381, No.79), entitled "An act relating to the protection of the abused, neglected, exploited or abandoned elderly; establishing a uniform Statewide reporting and investigative system for suspected abuse, neglect, exploitation or abandonment of the elderly; providing protective services; providing for funding; and making repeals," in criminal history for employees, further providing for information relating to prospective facility personnel.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 502 of the act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act, added December 18, 1996 (P.L.1125, No.169), is amended to read:

Section 502. Information relating to prospective facility personnel.

(a) General rule.--A facility shall require all applicants to submit with their applications, and shall require all administrators and any operators who have or may have direct contact with a recipient to submit, the following information obtained within the preceding one-year period:

(1) Pursuant to 18 Pa.C.S. Ch. 91 (relating to criminal history record information), a report of criminal history record information from the State Police or a statement from the State Police that their central repository contains no such information relating to that person. The criminal history record information shall be limited to that which is disseminated pursuant to 18 Pa.C.S. § 9121(b)(2) (relating to general regulations).

(2) Where the applicant is not and for the two years immediately preceding the date of application has not been a resident of this Commonwealth, administration shall require the applicant to submit with the application for employment a report of Federal criminal history record information pursuant to the Federal Bureau of Investigation's appropriation under the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1973 (Public Law 92-544, 86 Stat. 1109). The department shall be the intermediary for the purposes of this paragraph. For the purposes of this paragraph, the applicant shall submit a full set of fingerprints [to the State Police, which shall forward them] **in a manner prescribed by the department.** **The Commonwealth shall submit the fingerprints** to the Federal Bureau of Investigation for a national criminal history record check. The information obtained from the criminal record check shall be used by the department to determine the applicant's eligibility. The determination shall be submitted to the administrator by the applicant prior to

commencing employment. The administrator shall insure confidentiality of the information. **The provisions of 18 Pa.C.S. § 9121(b)(2) shall not apply if the request for a report of Federal criminal history record information is made pursuant to this section.**

(b) [Fees.--The State Police may charge the applicant a fee of not more than \$10 to conduct the criminal record check required under subsection (a)(1). The State Police may charge a fee of not more than the established charge by the Federal Bureau of Investigation for the criminal history record check required under subsection (a)(2). The State Police shall develop a billing system to allow facilities and administrators to assume responsibility for the fee under this subsection. The State Police shall allow facilities or administrators to establish an account for quarterly payment.] **(Reserved)**.

Section 2. This act shall take effect immediately.

APPROVED--The 24th day of October, A.D. 2012.

TOM CORBETT