

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2407 Session of
2012

INTRODUCED BY HACKETT, HENNESSEY, BISHOP, BOYD, CONKLIN,
P. COSTA, DAVIS, DONATUCCI, GINGRICH, GODSHALL, HARHART,
HESS, KAUFFMAN, KILLION, KORTZ, LAWRENCE, MARSICO, MICOZZIE,
MILLARD, MILLER, MURPHY, MURT, PICKETT, QUINN, RAPP, ROSS,
SAYLOR, CULVER, STEPHENS, TAYLOR, TRUITT, VULAKOVICH AND
WATSON, MAY 24, 2012

AS REPORTED FROM COMMITTEE ON AGING AND OLDER ADULT SERVICES,
HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 6, 2012

AN ACT

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

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

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

16 Section 502. Information relating to prospective facility
17 personnel.

18 (a) General rule.--A facility shall require all applicants
19 to submit with their applications, and shall require all

1 administrators and any operators who have or may have direct
2 contact with a recipient to submit, the following information
3 obtained within the preceding one-year period:

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

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

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

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

16 Section 2. This act shall take effect ~~in six months~~ ←
17 IMMEDIATELY. ←