

Department of Legislative Services  
Maryland General Assembly  
2004 Session

FISCAL AND POLICY NOTE

House Bill 1002 (Delegate Shank, *et al.*)  
Health and Government Operations

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**Adult Dependent Care Facilities and Homes - Owners - Criminal History Records Checks**

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This bill requires the Office of Health Care Quality (OHCQ) within the Department of Health and Mental Hygiene (DHMH) to apply to the Central Repository for both a national and State criminal history records check for the owner of a facility or home that is used for an adult dependent care program. The owner must submit a complete set of legible fingerprints to OHCQ and pay applicable fees. The Department of Public Safety and Correctional Services (DPSCS) must conduct the records checks and issue a printed statement of the results to OHCQ and to the owner. An owner may contest the finding of a criminal conviction or pending charge.

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**Fiscal Summary**

**State Effect:** OHCQ general fund expenditures could increase by \$32,100 in FY 2005. Future year estimates reflect annualization and inflation. Because criminal history records check costs will be borne by license applicants, the bill's requirements could be handled with the existing budgeted resources of Maryland's Criminal Justice Information System (CJIS) Central Repository in DPSCS.

**Local Effect:** None.

**Small Business Effect:** Minimal.

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## Analysis

**Current Law:** An adult dependent care program is an adult day care facility, assisted living program facility, group home, home health agency, congregate housing services program, residential service agency, alternative living unit, hospice facility, or a related institution.

An adult dependent care *program* must apply for a State criminal history records check or a private agency background check for each eligible employee. The program is responsible for paying for any record or background checks. If a program requests a private agency background check, the agency must conduct a background check in each state in which the adult dependent care program knows or has reason to know the eligible employee worked or lived during the past seven years.

An eligible employee may contest the finding of a criminal conviction or pending charge reported in a printed statement issued by DPSCS.

**Background:** In Maryland, the total maximum cost of each criminal history records check is \$52, which includes State and national background checks plus fingerprinting. CJIS Central Repository is authorized by law to collect an \$18 fee established for Maryland criminal history records checks. This fee represents cost recovery for processing and administration and is revenue/cost neutral. The FBI charges a fee of \$24 for a national criminal history records check. There is also normally a \$10 fee for two fingerprint cards (\$5 for the State card; \$5 for the separate FBI card). The CJIS Central Repository must collect the fees from the applicant, or other payer, and reimburse the FBI through that agency's monthly billing.

### State Fiscal Effect:

*DHMH:* DHMH general fund expenditures could increase by 32,142 in fiscal 2005, which accounts for the bill's October 1, 2004 effective date. This estimate reflects the cost of hiring one office secretary to coordinate the submission of fingerprint cards to DPSCS. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses. The information and assumptions used in calculating the estimate are stated below:

- there are 2,000 adult dependent care programs with the potential of one or more owners;
- up to 6,000 owners may apply for fingerprinting;
- adult dependent care facility and home owners pay for fingerprinting costs; and

- one secretary coordinates the submission of fingerprint cards to DPSCS and maintains criminal records check results provided to OHCQ.

Salary and Fringe Benefits	\$26,207
Operating Expenses	<u>5,935</u>
<b>Total FY 2005 State Expenditures</b>	<b>\$32,142</b>

Future year expenditures reflect: (1) a full salary with 4.6% annual increases and 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses.

*DPSCS:* In calendar 2002, DPSCS conducted 3,500 State criminal history records checks for adult dependent care programs' eligible employees. It is estimated that the number of records checks DPSCS would conduct under the bill could increase to as many as 6,000 owners of adult dependent care facilities or homes. The additional records checks could be handled with existing budgeted resources.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Health and Mental Hygiene, Department of Public Safety and Correctional Services, Department of Legislative Services

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