



HB 1228, relative to criminal record checks by health facilities

**Testimony Presented by
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My name is Susan Young, and I am Executive Director of Granite State Home Health Association, the government relations affiliate of the Home Care Association of New Hampshire, which represents licensed providers of home health care services, including the state's visiting nurse associations. I am here to ask that you recommend HB 1128 "ought to pass."

We asked Representatives Millham to file this bill in an effort to reduce regulatory burden and cost not only for home health providers, but for all licensed health facilities.

Currently, state law requires that licensed health care facilities perform criminal background checks on the owner/licensee, the administrator, household members living at the facility if applicable, and on employees and volunteers "whose scope of employment will involve direct contact with a client, client records or client tissue, body fluids, or other biological material." The statute further specifies that "the division of state police shall conduct a criminal conviction record check pursuant to RSA 106-B:14 and provide the results to the licensee or certificate holder." The cost of a criminal record check is presently \$25 for paid staff and \$15 for volunteers.

To assure that they have performed a thorough review of an applicant's history, many agencies choose to exceed the statutory requirements by checking the records of any state in which the applicant has worked in the past several years. The most efficient way to do this can be the use of a vendor that specializes in this service. However, because the New Hampshire statute is so specific with respect to the Division of State Police conducting the check, an agency that uses a vendor is still required to perform a separate NH State Police check. This duplicate background check results in unnecessary extra cost for the licensed facility and perhaps for the applicant, if the facility chooses to pass that cost onto the applicant.

HB 1228 simply allows the Department of Health & Human Services to create a list of approved background check vendors that, when utilized by a licensed facility to meet the legal requirement, replaces the NH State Police check.

HB 1228 also mandates that the Department adopt rules to establish criteria for approval of private vendors that conduct background checks. After discussion with the Department, we do not feel additional rules are necessary and would support an amendment to delete references to rulemaking should the committee choose to consider one.

Thank you for the opportunity to express our support for this legislation.