

## Session 114 - (2001-2002)

**H 3587 General Bill, By Cooper, Allison, Barfield, Barrett, J. Brown, Cato, Cobb-Hunter, Govan, Harrell, Harrison, Hinson, Kelley, Kirsh, Martin, Meacham-Richardson, J.H. Neal, Sandifer, Sinclair, W.D. Smith, Thompson, Townsend, Trotter, Walker, White, Wilkins, Witherspoon and A. Young**

**Summary:** Criminal record check of residential care facility, hospital employees, nurses; Medical, Law Enforcement, Aging, Abuse

A BILL TO AMEND CHAPTER 7, TITLE 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HOSPITALS, TUBERCULOSIS CAMPS AND HEALTH SERVICES DISTRICTS, BY ADDING ARTICLE 27 SO AS TO PROHIBIT HOSPITALS, NURSING HOMES, RESIDENTIAL CARE FACILITIES, AND HOME HEALTH CARE AGENCIES FROM EMPLOYING A PERSON WHO HAS A CRIMINAL RECORD, TO AUTHORIZE AN APPLICANT TO OBTAIN A FINGERPRINT-BASED CRIMINAL BACKGROUND CHECK IF THE RECORD CHECK INDICATES THE PERSON HAS A CRIMINAL RECORD, AND TO PROVIDE IMMUNITY FROM LIABILITY FOR THE LAW ENFORCEMENT AGENCY CONDUCTING THE CRIMINAL RECORD CHECK AND THE FACILITIES OR AGENCIES WHICH TAKE EMPLOYMENT ACTION BASED ON THE RECORD CHECK; BY ADDING SECTION 44-6-110 SO AS TO REQUIRE A PERSON SEEKING CERTIFICATION AS A NURSING ASSISTANT BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO SUBMIT A CRIMINAL RECORD CHECK AS A CONDITION OF CERTIFICATION; TO AMEND SECTIONS 40-33-530, 40-33-560, 40-33-730, AND 40-33-760, ALL AS AMENDED, AND ALL RELATING TO LICENSURE AND RECIPROCAL LICENSURE OF REGISTERED NURSES AND LICENSED PRACTICAL NURSES, RESPECTIVELY, SO AS TO REQUIRE AN APPLICANT TO OBTAIN A CRIMINAL RECORD CHECK AS A CONDITION OF LICENSURE AND OF ISSUANCE OF A RECIPROCAL LICENSE; TO AMEND SECTION 43-35-25, RELATING TO REPORTS OF ADULT ABUSE, NEGLECT, AND EXPLOITATION, SO AS TO REQUIRE AN INVESTIGATIVE ENTITY RECEIVING SUCH A REPORT TO ALSO REPORT THIS INFORMATION TO THE ATTORNEY GENERAL; AND TO EXEMPT FROM THE REQUIREMENTS OF THIS ACT REGISTERED NURSES, LICENSED PRACTICAL NURSES, AND NURSING ASSISTANTS EMPLOYED IN A HOSPITAL, NURSING HOME, RESIDENTIAL CARE FACILITY, OR HOME HEALTH AGENCY ON THIS ACT'S EFFECTIVE DATE AND TO REQUIRE COMPLIANCE IF SUBSEQUENTLY THE PERSON IS NOT EMPLOYED BY ONE OF THESE FACILITIES OR AGENCIES FOR ONE YEAR.

**02/15/01 House Introduced and read first time HJ-39**

**02/15/01 House Referred to Committee on Medical, Military, Public and Municipal Affairs HJ-40**