

**§9059. Prohibitions**

**1. Prohibited employment.** An employer is subject to the penalties imposed by this chapter for hiring, placing or continuing to employ, other than conditionally as described in this chapter or by rule, an unsupervised direct access worker who has a known disqualifying offense or who has not been subject to a background check and issued a nondisqualifying report from the Background Check Center or who has not been granted a waiver as described in this chapter.

[PL 2015, c. 299, §25 (NEW).]

**2. Refusal to participate; employer.** The Background Check Center shall issue a disqualifying background check report for individuals who refuse to participate in the background check reporting process as described in this chapter, and the employer is subject to the penalties imposed by this chapter for allowing the individual to commence or continue direct access employment.

[PL 2015, c. 299, §25 (NEW).]

**3. Good cause termination.** A disqualifying offense that appears in the record of an individual submitted for a background check or a disqualifying offense that was not reported in an earlier background check report or an offense that an individual concealed from the employer or a failure to obtain or maintain a waiver constitutes good cause for termination of the individual's direct access employment.

[PL 2015, c. 299, §25 (NEW).]

**4. Refusal to participate; employee.** An employee's refusal to participate in the background check reporting process under this chapter constitutes good cause for termination of direct access employment.

[PL 2015, c. 299, §25 (NEW).]

**SECTION HISTORY**

PL 2015, c. 299, §25 (NEW).

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