

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

S.P. 51 - L.D. 121

**An Act To Require a Background Check for High-risk Health Care
Providers under the MaineCare Program**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §5307 is enacted to read:

§5307. Background check for high-risk provider applicants under the MaineCare program

1. Definition. As used in this section, unless the context otherwise indicates, "State Police" means the Department of Public Safety, Bureau of State Police.

2. Background check. The department shall request a background check for MaineCare provider applicants who are high-risk providers or in high-risk provider categories as those terms are defined by department rule. The background check must include criminal history record information obtained from the Maine Criminal Justice Information System and the Federal Bureau of Investigation.

A. The criminal history record information obtained from the Maine Criminal Justice Information System must include a record of public criminal history record information as defined in Title 16, section 703, subsection 8.

B. The criminal history record information obtained from the Federal Bureau of Investigation must include other state and national criminal history record information.

C. A provider applicant shall submit to having fingerprints taken. The State Police, upon payment by the provider applicant, shall take or cause to be taken the applicant's fingerprints and shall forward the fingerprints to the State Bureau of Identification so that bureau can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the State Police for purposes of this paragraph must be paid over to the Treasurer of State. The money must be applied to the expenses of administration incurred by the Department of Public Safety.

D. The subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state

criminal history record check may inspect and review the criminal history record information pursuant to Title 16, section 709.

E. State and national criminal history record information of a provider applicant must be used by the department for the purpose of screening that provider applicant.

F. Information obtained pursuant to this subsection is confidential. The results of background checks received by the department are for official use only and may not be disseminated to any other person or entity.

G. An individual whose enrollment as a MaineCare provider has expired and who has not applied for renewal may request in writing that the State Bureau of Identification remove the individual's fingerprints from the bureau's fingerprint file. In response to a written request, the bureau shall remove the individual's fingerprints from the fingerprint file and provide written confirmation of that removal.

3. Rules. The department, following consultation with the State Bureau of Identification, shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 25 MRSA §1542-A, sub-§1, ¶V is enacted to read:

V. Who is required to have a criminal history record check under Title 22, section 5307.

Sec. 3. 25 MRSA §1542-A, sub-§3, ¶U is enacted to read:

U. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph V at the request of that person or the Department of Health and Human Services pursuant to Title 22, section 5307.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Office of MaineCare Services 0129

Initiative: Provides one-time funding for technological changes required in the Maine Integrated Health Management Solution computer system.

GENERAL FUND	2021-22	2022-23
All Other	\$23,579	\$0
GENERAL FUND TOTAL	\$23,579	\$0
FEDERAL EXPENDITURES FUND	2021-22	2022-23
All Other	\$70,736	\$0
FEDERAL EXPENDITURES FUND TOTAL	\$70,736	\$0