

BOES

1 Fiscal is exactly the same as the original bill L.D. 121
2 Date: (committee had this at the
work session) (Filing No. S-)

3 **HEALTH AND HUMAN SERVICES**

4 Reproduced and distributed under the direction of the Secretary of the Senate.

5 **STATE OF MAINE**

6 **SENATE**

7 **130TH LEGISLATURE**

8 **FIRST SPECIAL SESSION**

9 COMMITTEE AMENDMENT " " to S.P. 51, L.D. 121, "An Act To Require a
10 Background Check for High-risk Health Care Providers under the MaineCare Program"

11 Amend the bill in section 1 in §5307 in subsection 2 in paragraph E in the first line
12 (page 1, line 30 in L.D.) by striking out the following: "may" and inserting the following:
13 'must'

14 Amend the bill by inserting after section 3 the following:

15 'Sec. 4. Appropriations and allocations. The following appropriations and
16 allocations are made.

17 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

18 **Office of MaineCare Services 0129**

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

21 GENERAL FUND	2021-22	2022-23
22 All Other	\$23,579	\$0
23		
24 GENERAL FUND TOTAL	\$23,579	\$0

26 FEDERAL EXPENDITURES FUND	2021-22	2022-23
27 All Other	\$70,736	\$0
28		
29 FEDERAL EXPENDITURES FUND TOTAL	\$70,736	\$0

30
31 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
32 number to read consecutively.

COMMITTEE AMENDMENT

ROSS

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SUMMARY

This amendment requires the Department of Health and Human Services to use the fingerprint-based background check information in the approval process of MaineCare provider applicants who are high-risk providers.

FISCAL NOTE REQUIRED

(See attached)

**130th MAINE LEGISLATURE****LD 121****LR 73(02)****An Act To Require a Background Check for High-risk Health Care Providers under the MaineCare Program****Fiscal Note for Bill as Amended by Committee Amendment " "****Committee: Health and Human Services****Fiscal Note Required: Yes**

Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings)				
General Fund	\$23,579	\$0	\$0	\$0
Appropriations/Allocations				
General Fund	\$23,579	\$0	\$0	\$0
Federal Expenditures Fund	\$70,736	\$0	\$0	\$0
Revenue				
Federal Expenditures Fund	\$70,736	\$0	\$0	\$0

Fiscal Detail and Notes

The bill includes a one-time General Fund appropriation to the Department of Health and Human Services of \$23,579 in fiscal year 2021-22 for technological changes required in the Maine Integrated Health Management System. Federal Expenditures Fund allocations will also be required for the FMAP match.

Additional costs to the Department of Public Safety associated with performing the background checks can be absorbed within existing budgeted resources. Revenue will be increased by minor amounts from the payments received from performing the background checks. No change in the budget is required.

ORIGINAL BILL

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 may 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.

must

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.

SUMMARY

This bill requires MaineCare provider applicants who are high-risk providers or who are in high-risk provider categories to undergo criminal history background checks.