

**HUMAN SERVICES BACKGROUND CHECKS AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Allen M. Christensen**

House Sponsor: Ronda Rudd Menlove

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**LONG TITLE**

**General Description:**

This bill modifies Title 62A, Chapter 2, Licensure of Programs and Facilities, by extending the pilot program for expedited background checks for a qualified human services applicant.

**Highlighted Provisions:**

This bill:

- ▶ extends the pilot program for expedited background checks for a qualified human services applicant to 2017;
- ▶ requires the Office of Licensing to report to the Health and Human Services Interim Committee during the 2016 interim on the functioning of the pilot program and whether it should be modified or extended; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**62A-2-120.5**, as enacted by Laws of Utah 2010, Chapter 365

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28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **62A-2-120.5** is amended to read:

30 **62A-2-120.5. Pilot program for expedited background check of a qualified**  
31 **human services applicant.**

32 (1) As used in this section:

33 (a) "Business day" means a day on which the office is open.

34 (b) "Qualified human services applicant" means a person who:

35 (i) is associated with a licensee that provides services, under contract with the Division  
36 of Services for People with Disabilities, to a person with a disability; and

37 (ii) has not lived outside of Utah for the five years immediately preceding the day on  
38 which the person applies for a background check.

39 (2) Beginning on May 11, 2010, and ending on July 1, [~~2012~~] 2017, the office shall,  
40 within two business days after the day on which the office receives a request for an initial  
41 background check of a qualified human services applicant:

42 (a) conduct the background check; and

43 (b) (i) send an email to the licensee that submitted the request for the background  
44 check, stating that the qualified human services applicant passed the background check, if:

45 (A) the licensee submits with the request a waiver that:

46 (I) is approved by the office;

47 (II) is signed by the qualified human services applicant; and

48 (III) permits the office to provide the results of the background check to the licensee  
49 that submits the request;

50 (B) the background check does not indicate that the qualified human services applicant  
51 has a criminal history;

52 (C) the qualified human services applicant is not listed in the statewide database of the  
53 Division of Aging and Adult Services created by Section 62A-3-311.1; and

54 (D) the qualified human services applicant is not listed in the Licensing Information  
55 System of the Division of Child and Family Services created by Section 62A-4a-1006; or

56 (ii) send an email to the licensee that submitted the request for the background check,  
57 stating that the qualified human services applicant did not pass the background check, or that  
58 additional research is needed, if:

- 59 (A) the licensee submits with the request a waiver that:  
60 (I) is approved by the office;  
61 (II) is signed by the qualified human services applicant; and  
62 (III) permits the office to provide the results of the background check to the licensee  
63 that submits the request; and  
64 (B) (I) the background check indicates that the qualified human services applicant may  
65 have a criminal history;  
66 (II) the qualified human services applicant is listed in the statewide database of the  
67 Division of Aging and Adult Services created by Section 62A-3-311.1; or  
68 (III) the qualified human services applicant is listed in the Licensing Information  
69 System of the Division of Child and Family Services created by Section 62A-4a-1006.  
70 (3) The office shall, during the [~~2011~~] 2016 interim, report to the Legislature's Health  
71 and Human Services Interim Committee, regarding:  
72 (a) the functioning of the pilot program described in this section;  
73 (b) whether the pilot program should be converted to an ongoing program;  
74 (c) whether the pilot program should be modified; and  
75 (d) whether the pilot program should be expanded to include background checks of  
76 other human services providers.

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**Legislative Review Note**  
as of 2-20-13 2:28 PM

**Office of Legislative Research and General Counsel**