

183 adjudication of abuse or neglect, or, since January 1, 1994, a substantiated ~~§~~ or supported ~~§~~  
 183a finding of abuse ~~§~~ [or] , ~~§~~  
 184 neglect ~~§~~ , or exploitation ~~§~~ after notice and an opportunity for a hearing consistent with Title  
 184a 63G, Chapter 4,  
 185 Administrative Procedures Act, but only if a criminal history or identification as a possible  
 186 perpetrator of abuse or neglect is directly relevant to the employment or volunteer activities of  
 187 that person.

188 ~~[(2)]~~ (4) A department employee or volunteer to whom Subsection (1) applies shall  
 189 submit to the department the employee or volunteer's name ~~[and]~~ , other personal identifying  
 190 information ~~[upon request]~~ , and consent for the background check on a form specified by the  
 191 department.

192 ~~[(3) The department shall process the information to determine whether the employee~~  
 193 ~~or volunteer has a substantiated finding of child abuse or neglect.]~~

194 ~~[(4)]~~ (5) The department shall ~~[adopt]~~ make rules in accordance with Title 63G,  
 195 Chapter 3, Utah Administrative Rulemaking Act, defining permissible and impermissible  
 196 work-related activities for a department employee or volunteer with a criminal history or with  
 197 one or more substantiated or supported findings of abuse ~~[or]~~ , neglect, or exploitation.

198 Section 3. Section **62A-2-101** is amended to read:

199 **62A-2-101. Definitions.**

200 As used in this chapter:

201 (1) "Adult day care" means nonresidential care and supervision:

202 (a) for three or more adults for at least four but less than 24 hours a day; and

203 (b) that meets the needs of functionally impaired adults through a comprehensive  
 204 program that provides a variety of health, social, recreational, and related support services in a  
 205 protective setting.

206 (2) "Applicant" means:

207 (a) a person who applies for an initial license or a license renewal under this chapter;

208 (b) an individual who:

209 (i) is associated with the licensee; and

210 (ii) has direct access to a child or a vulnerable adult;

211 (c) an individual who is 12 years of age or older, other than the child or vulnerable  
 212 adult who is receiving the service, who resides in a residence with the child or vulnerable adult  
 213 who is receiving services from the person described in Subsection (2)(a) or (b), if the child or

493 neglect described in Section 78A-6-323; and

494 (vi) search the juvenile court arrest, adjudication, and disposition records, as provided  
 495 under Section 78A-6-209;

496 (b) shall conduct a background check of an applicant for an initial ~~H~~→ [license]  
 496a background check ~~←H~~ upon  
 497 submission of the information described under Subsection (2)(a);

498 (c) may conduct ~~H~~→ all or portions of ~~←H~~ a background check of an applicant, as  
 498a provided by rule, made by the  
 499 office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

500 (i) for an annual renewal; or

501 (ii) when the office determines that reasonable cause exists;

502 (d) may submit an applicant's personal identifying information, including fingerprints,  
 503 to the Bureau for checking, retaining, and monitoring of state and national criminal background  
 504 databases and for notifying the office of new criminal activity associated with the applicant;

505 (e) shall track the status of an approved applicant under this section to ensure that an  
 506 approved applicant who applies for more than one license or for direct access to a child or a  
 507 vulnerable adult in more than one human services program is not required to duplicate the  
 508 submission of the applicant's fingerprints;

509 (f) shall track the status of each license and each individual with direct access to a child  
 510 or a vulnerable adult and notify the Bureau when the license has expired or the individual's  
 511 direct access to a child or a vulnerable adult has ceased;

512 (g) shall adopt measures to strictly limit access to personal identifying information  
 513 solely to the office employees responsible for processing the applications for background  
 514 checks and to protect the security of the personal identifying information the office reviews  
 515 under this Subsection (3); and

516 (h) shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative  
 517 Rulemaking Act, to implement the provisions of this Subsection (3) relating to background  
 518 checks.

519 (4) (a) With the personal identifying information the office submits to the Bureau  
 520 under Subsection (3), the Bureau shall check against state and regional criminal background  
 521 databases for the applicant's criminal history.

522 (b) With the personal identifying information and fingerprints the office submits to the  
 523 Bureau under Subsection (3), the Bureau shall check against national criminal background