

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 121

S.P. 51

In Senate, January 21, 2021

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

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.
Received by the Secretary of the Senate on January 19, 2021. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CLAXTON of Androscoggin.

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

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

3 **§5307. Background check for high-risk provider applicants under the MaineCare**
4 **program**

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

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

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

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

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

25 D. The subject of a Federal Bureau of Investigation criminal history record check may
26 obtain a copy of the criminal history record check by following the procedures outlined
27 in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state
28 criminal history record check may inspect and review the criminal history record
29 information pursuant to Title 16, section 709.

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

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

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

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

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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.