

Here's proposed legislation in California regarding the issue of regulating care-givers:

SB 868 - IHSS: BACKGROUND CHECKS

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CDCAN SUMMARY:

* Authorizes the investigation of certain potential personnel by a IHSS nonprofit consortium or IHSS public authority to include criminal background checks conducted by the California Department of Justice upon the request of the nonprofit consortium or public authority.

* Require the IHSS public authority or nonprofit consortium to deny a potential provider's request to be placed on the registry for providing supportive services to a recipient of the In-Home Supportive Services program if the criminal background check reveals that the person has been convicted of specified offenses.

* Prohibits a fee from being charged to a IHSS worker (provider), potential personnel, or a person receiving IHSS services (recipient) to cover any cost related to administering requirements with respect to an investigation, or the costs to certain entities for processing a criminal background check, under these provisions.

* Does not prohibit the California Department of Justice from assessing a fee to cover the cost of furnishing summary criminal history information pursuant to existing law. The bill would further provide that, upon verification that at least 50% of the public authority or nonprofit consortium list of registry applicants have received a criminal background check, the county may request reimbursement for the non-federal share of cost associated with the criminal background check, as provided.

* Would also, to extent that an appropriation is made for this purpose, authorize an IHSS nonprofit consortium or IHSS public authority to, upon request of a recipient of in-home supportive services, or personal care services under the Medi-Cal program, provide a criminal background check on a non-registry applicant or provider from the Department of Justice.

* Imposes various duties and conditions related to the provision of a criminal background check on a non-registry applicant or provider.

* Would require, if the employer is an in-home supportive services recipient, a recipient of personal care services under the Medi-Cal program, or a public authority or nonprofit consortium, the fee to be shared by the county and the state in accordance with a specified ratio.