

LEGISLATIVE FISCAL ESTIMATE TO

[Second Reprint]
ASSEMBLY, No. 995

STATE OF NEW JERSEY

DATED: May 17, 1996

Assembly Bill No. 995(2R) of 1996 bars persons who have been convicted of certain disorderly persons offenses or crimes such as serious drug offenses, homicide, assault, kidnaping, robbery or theft from employment with certain facilities, home health agencies, nurses' registries, employment agencies, or temporary help agencies which employ persons who serve persons 60 years of age or older. Facility includes, but is not limited to, public or private nursing homes, rehabilitation centers, residential health care facilities, general hospitals, special hospitals, chronic disease hospitals, psychiatric hospitals, developmental centers or facilities, day care centers for the elderly, medical day care centers and licensed home health care agencies.

Under the provisions of the bill, no person could: (1) be hired in a professional or non-professional capacity by a facility offering health related services for the institutionalized elderly; or (2) provide any home health services to the elderly until the Commissioner of Health (DOH) or the Director of the Division of Consumer Affairs in the Department of Law and Public Safety (DLPS), as appropriate, determines that the person has not been convicted of any of the crimes and offenses specified in the bill. Certain due process rights are offered the applicant in case of disqualification. Conditional employment for up to 180 days would be allowed, if the applicant attests that he has not been convicted of any disqualifying offenses or crimes. Employers failing to comply with the provisions of the legislation are subject to a fine of up to \$1,000. Also, a home health aide must be regularly supervised by a registered professional nurse.

The cost of criminal history background checks may be assumed by a prospective employer or the prospective employee.

DOH, DLPS and the Office of Management and Budget have not provided any fiscal information on the legislation. However, on similar legislation, Assembly Bill No. 837 of 1994, DOH estimated its costs at \$394,000, \$292,000 and \$306,000, respectively, over the next three fiscal years, primarily for the cost of five employees.

As the cost of the criminal history background check is to be borne by either the employer or employee, there is no direct cost to the State, particularly since the State already conducts background checks for persons seeking employment at the State's psychiatric hospitals and developmental centers. If an employer assumes the cost of a

background check, the employer may seek to pass these costs on to the payers of health care costs, including Medicaid. The extent to which payers of health care, including Medicaid, would reimburse employers for such costs cannot be determined.

As the Department of Human Services has absorbed any additional costs associated with conducting background checks for its various employees within its ongoing budget, it is not unreasonable to expect any additional costs associated with these background checks to be absorbed within DOH's budget, particularly if DOH coordinates these activities with those conducted by DHS.

The legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.