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SENATE BILL NO. 461

Offered January 10, 2018

Prefiled January 9, 2018

A *BILL to amend the Code of Virginia by adding in Article 1 of Chapter 4 of Title 37.2 a section numbered 37.2-402.1, relating to direct service providers; disclosure of information related to employment.*

Patron—Dance

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 4 of Title 37.2 a section numbered 37.2-402.1 as follows:

§ 37.2-402.1. Direct service providers; disclosure of information by employers.

A. As used in this section, "direct service provider" means a person 18 years of age or older who provides direct services, including assistance with eating, dressing, bathing, medication, and mobility, to individuals with disabilities receiving services pursuant to a Medicaid waiver. A direct service provider may be employed by a service provider licensed by the Department to provide services to clients of the service provider or may be employed by the person to whom services are provided.

B. A current or former employer of a direct service provider may disclose information about a direct service provider's employment to a prospective employer of the direct service provider upon receipt of written consent of the direct service provider. Such consent shall be made on a form provided by the Department, shall be written in a conspicuous manner, and shall state that the direct service provider gives consent to any and all prior employers to provide information with regard to such employment to a prospective employer, who shall be identified by name on the form. The form shall be signed by the direct service provider and shall be valid only during such time as the direct service provider's application for employment with the prospective employer is being actively considered by the prospective employer.

INTRODUCED

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