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SENATE BILL NO. 306

Offered January 20, 1998

A BILL to amend and reenact § 37.1-197.2 of the Code of Virginia, relating to community services boards; employee background checks.

Patrons—Lucas, Edwards, Forbes, Howell, Lambert, Miller, Y.B., Quayle and Reynolds; Delegates: Melvin and Spruill

Referred to the Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That § 37.1-197.2 of the Code of Virginia is amended and reenacted as follows:

§ 37.1-197.2. Background checks required.

A. Every community services board and behavioral health authority shall, on and after July 1, 1997, require any applicant who accepts employment in any direct client care position with the community services board or behavioral health authority to submit to fingerprinting and provide personal descriptive information to be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation (FBI) for the purpose of obtaining national criminal history record information regarding such applicant.

The Central Criminal Records Exchange, upon receipt of an individual's record or notification that no record exists, shall submit a report to the requesting executive director or his designee of the community services board or the behavioral health authority. If any applicant is denied employment because of information appearing on the criminal history record and the applicant disputes the information upon which the denial was based, the Central Criminal Records Exchange shall, upon request, furnish the applicant the procedures for obtaining a copy of the criminal history record from the Federal Bureau of Investigation. The information provided to the executive director or his designee of any community services board or behavioral health authority shall not be disseminated except as provided in this section.

B. The community services boards and behavioral health authorities shall also require, as a condition of employment for all such applicants, written consent and personal information necessary to obtain a search of the registry of founded complaints of child abuse and neglect maintained by the Department of Social Services pursuant to § 63.1-248.8.

C. The cost of obtaining the criminal history record and search of the child abuse and neglect registry record shall be borne by the applicant, unless the community services board or behavioral health authority, at its option, decides to pay such cost.

D. As used in this section, the term "direct client care position" means any position with a job description that includes responsibility for (i) treatment, case management, health, safety, development or well-being of a client, or (ii) immediately supervising a person in a position with such responsibility.

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