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**HOUSE BILL NO. 1021**

Offered January 13, 2016

Prefiled January 13, 2016

A *BILL to amend the Code of Virginia by adding a section numbered 32.1-330.5, relating to Medicaid nonemergency transportation providers; background checks.*

Patron—Sickles

Referred to Committee on Health, Welfare and Institutions

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 32.1-330.5 as follows:**

**§ 32.1-330.5. Nonemergency transportation services providers; criminal history background check required.**

A. Every provider with whom the Department enters into a contract for the provision of nonemergency transportation services to individuals eligible for medical assistance pursuant to the State Plan for Medical Assistance shall require every employee 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 the applicant at the time of hiring and annually thereafter. No provider shall hire for compensated employment or continue to employ persons who have been convicted of any offense set forth in subsection B of § 37.2-314.

The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall submit a report to the provider indicating whether the applicant is eligible for employment. 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 written request, furnish to the applicant the procedures for obtaining a copy of the criminal history record from the FBI. The information provided to the provider pursuant to this section shall not be disseminated except as provided in this section.

B. A person who complies in good faith with the provisions of this section shall not be liable for any civil damages for any act or omission in the performance of duties under this section unless the act or omission was the result of gross negligence or willful misconduct.

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