

SCS SB 4 -- IN-HOME SERVICES AND HOME HEALTH AGENCIES

SPONSOR: Foster (Sutherland)

COMMITTEE ACTION: Voted "do pass" by the Special Committee on General Laws by a vote of 10 to 0.

Currently, it is a class A misdemeanor for an in-home services or home health agency to employ a person who refuses to register with, or appears on any background checklist in, the Family Care Safety Registry. The substitute moves this provision to a section that permits these persons to apply for a "good cause" waiver and further specifies that it is a misdemeanor to employ these persons to provide in-home or home health services. The substitute also modifies the ability of the Department of Health and Senior Services to promulgate rules that would waive hiring restrictions based on the department's employee disqualification list.

The substitute has an emergency clause.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say that the simultaneous passage of the nursing home bill and the criminal records bill last session widened the categories of offenses for which a person would be placed on the Family Care Safety Registry while making it a misdemeanor for an in-home or home health agency to employ anyone who appeared on any of the background checklists of the registry, thereby affecting approximately 500 to 1,000 people who were validly employed by home health or in-home care agencies. The substitute makes it possible for these people to apply for a "good cause" waiver. People who are on the employee disqualification list will remain on that list.

Testifying for the bill were Senator Foster; Missouri Alliance for Home Care; David Durban, Director of the Division of Senior Services; Missouri Council of In-Home Services; and Office of the Lieutenant Governor.

OPPOSERS: There was no opposition voiced to the committee.

Becky DeNeve, Senior Legislative Analyst