



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF HUMAN SERVICES  
LANSING



ISMAEL AHMED  
DIRECTOR

September 3, 2009

The Honorable Bill Hardiman, Chair  
Senate Appropriations Subcommittee on DHS  
915 Farnum Building  
P.O. Box 30036  
Lansing MI 48909-7536

The Honorable Dudley Spade, Chair  
House Appropriations Subcommittee on DHS  
House Office Building, Room N0993  
P.O. Box 30014  
Lansing MI 48909-7514

Dear Senator Hardiman and Representative Spade:

Public Acts 218 and 368 require the Department of Human Services (DHS) and the Department of Community Health (DCH) to provide written reports to the legislature regarding expanded criminal background check requirements. DHS has regulatory authority of homes for the aged by executive order. This report therefore includes information regarding homes for the aged regulated under PA 368, in addition to adult foster care, regulated under PA 218, but does not include information regarding facilities/agencies regulated by DCH.

If you have any questions about the attached material, please contact Susan Kangas, Chief Administrative Officer, at 373-7787.

Sincerely,

Ismael Ahmed

cc: Senate and House Appropriations Subcommittees on DHS  
Senate and House Fiscal Agencies  
Senate and House Policy Offices  
State Budget Director



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BUREAU OF CHILDREN AND ADULT LICENSING



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**MICHIGAN LONG-TERM CARE WORKFORCE  
BACKGROUND CHECK LEGISLATION  
REPORT TO THE LEGISLATURE  
2008- 2009**

**Submitted by**

**Michigan Department of Human Services  
Bureau of Children and Adult Licensing  
Division of Adult Foster Care & Home for the Aged Licensing**

## EXECUTIVE SUMMARY

### **PURPOSE:**

Public Acts 218 and 368 require the Department to provide written reports to the Legislature regarding the criminal background check initiative. The Department of Human Services has regulatory authority for adult foster care facilities, as well as homes for the aged. This report therefore includes information regarding homes for the aged regulated under PA 368, in addition to adult foster care facilities regulated under PA 218.

### **REPORTING REQUIREMENTS:**

MCL 400.734b(16) and 333.20173a(13) The department shall submit to the legislature not later than April 1, 2009 a written report regarding the department's plan to continue performing criminal history checks if adequate federal funding is not available to continue performing future criminal history checks.

As of September 30 2007, the federal grant funds for this initiative had been exhausted. Since that time the cost of fingerprinting adult foster care and home for the aged employees has been provided for by general funds. It is the department's plan to continue paying for the fingerprinting of adult foster care and home for the aged employees through fiscal year 2010.

MCL 400.634c(2) and MCL 333.20173b(2): One year after the effective date of this section and each year thereafter for the next 3 years, the department shall provide the legislature with a written report regarding the appeals process implemented under this section for employees subject to criminal history checks. The report shall include, but is not limited to, for the immediately preceding year the number of applications for appeal received, the number of inaccuracies found and appeals granted with regard to the criminal history checks conducted under section 400.734b and 333.20173a, the average number of days necessary to complete the appeals process for each appeal, and the number of appeals rejected without a hearing and a brief explanation of the denial.

	4/1/2007 – 3/31/2008	4/1/2008 – 3/31/2009
# of Appeal Applications Received	59	56
# of Inaccuracies Found	35	35
# of Appeals Granted	35	35
Average # of Days to Appeal Process	8	5
# of Appeals Denied	24	21

**Explanation of Denials:** Denial determinations were based on the applicants' inability to produce documents that substantiated their claim that their record was inaccurate, had been set-aside or expunged.