



Georgia House Proposes Additional Updates to New Long-Term Care Background Check Requirements

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Changes may be coming to Georgia's new (and not yet implemented) long-term care background check law.¹ If passed, the new Georgia House Bill 91 would authorize the Georgia Bureau of Investigation and Federal Bureau of Investigation to retain fingerprints obtained from certain long-term care facility owners, employees, and applicants, including fingerprints obtained as a part of long-term care facility licensure applications, abuse investigations, and establishment of the new central caregiver registry.² The text of the Bill clarifies that such retention may only occur if the Department of Community Health ("DCH") is participating in the Georgia Crime Information Center program, which allows the Center to obtain and file fingerprints, descriptions, photographs, and any other pertinent identifying data on persons who "[a]re individuals for whom fingerprint based criminal history checks are authorized by this state's or federal law for the purposes of determining suitability or fitness for employment, placement, registration, a permit, or a license . . ."³ Because DCH participates in the program, the long-term care industry should be aware of the potential new retention authorization. Note also that if the GBI or FBI retains such fingerprints, DCH would be required to notify the individual whose fingerprints were taken of the "parameters of such retention."

As of the date of this alert (February 20, 2019), the Bill was most recently favorably reported by the House Judiciary Committee on February 8, 2019. Updates on its status may be found [online](#).

¹ The background check law goes into effect on October 1, 2019. For AGG's summary on the new law, see <https://www.agg.com/Georgia-Enacts-New-Background-Check-Legislation-for-Long-Term-Care-Providers-05-15-2018/>.

² For the full text of HB 91, see <http://www.legis.ga.gov/Legislation/en-US/display/20192020/HB/91>.

³ Ga. Code Ann. § 35-3-33.

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