



# Senate Aging and Youth Committee

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## **Amendment A07170 (Washington)**

This amendment creates three distinct categories of offenses which affect the ability of an individual to be employed in a facility. A certificate of employability is created so that after 10 years from the date of conviction for specified offenses, an individual may apply to the Department of Aging for an exception from the lifetime ban. A provision is also included so that after 5 years from the date of conviction for other specified offenses, an individual can apply for an exception to the 10 year ban on employment. Certain offenses remain a lifetime ban without exception. Time spent in incarceration is not counted toward the 5 or 10 year time period.

Hearings regarding the certificates of employability will be held before the Department of Aging and the determination of employability shall be based on factors including amount of time that has elapsed since conviction, employment history, circumstances of offense, evidence of drug treatment where relevant, and other evidence of post-conviction rehabilitation. The department may also consider oral or written testimony relevant to these factors from licensed professionals and other interested individuals including the victim of the petitioner and the victim's family. Certificates of employability shall state that the only purpose is to exempt successful petitioners from the criminal record hiring prohibitions and does not address any of the individual's other qualifications or obligate a facility to hire an individual.

A hearing shall be conducted within 90 days of receipt of the petition and the Department shall issue a decision within 30 days of the hearing. Fees for the petition will be determined by the Department.

Current employees who are disqualified from employment but permitted to apply for a certificate of employability shall either be suspended without pay or continue employment under supervision under such time as a certificate of employability is obtained or an appeal filed. Current employees must file the application for the certificate of employment within 30 days of being placed on suspension or supervision in order to continue employment. The employee must be immediately dismissed if the application is denied.

Facilities may use criminal history record information previously obtained if it is certified that the employee has been continuously employed by the facility and the facility has no knowledge of any criminal offenses. A facility that can not certify both these conditions shall require the employee to obtain another criminal history record.

This amendment also adds assisted living residence to the definition of facility and financial exploitation as an instance when an agency can petition a court of common pleas for an emergency order to provide protective services. It makes a number of technical changes.