

(B) AN EMPLOYER PROVIDING A REFERENCE UNDER THIS SUBTITLE SHALL BE PRESUMED TO BE ACTING IN GOOD FAITH UNLESS IT IS SHOWN BY CLEAR AND CONVINCING EVIDENCE THAT THE EMPLOYER:

(1) ACTED WITH ACTUAL MALICE TOWARD THE EMPLOYEE OR FORMER EMPLOYEE; OR

(2) INTENTIONALLY OR RECKLESSLY DISCLOSED FALSE INFORMATION ABOUT THE EMPLOYEE OR FORMER EMPLOYEE.

19-1812.

NOTHING IN THIS SUBTITLE MAY BE CONSTRUED TO PREVENT AN ADULT DEPENDENT CARE PROGRAM FROM OBTAINING A CRIMINAL HISTORY RECORDS CHECK OR BACKGROUND CHECK ON ANY OTHER INDIVIDUAL APPLYING FOR A JOB OR VOLUNTEERING SERVICES IN THE PROGRAM.

19-1813.

~~THE SECRETARY SHALL:~~

~~(1) PROVIDE FOR THE ADOPTION OF A SPECIFIED FORM OR FORMS TO BE USED IN APPLYING FOR THE CRIMINAL BACKGROUND INVESTIGATION HISTORY RECORDS CHECK TO BE ISSUED BY THE DEPARTMENT, INCLUDING AN APPROPRIATE DISCLOSURE STATEMENT;~~

~~(2) DESIGNATE THE APPROPRIATE STATE OR LOCAL LAW ENFORCEMENT OFFICES IN THE STATE, OR OTHER APPROVED LOCATIONS, WHERE FINGERPRINTS MAY BE OBTAINED; AND~~

~~(3) ADOPT REGULATIONS NECESSARY AND REASONABLE TO ADMINISTER THIS SUBTITLE.~~

*SECTION 2. AND BE IT FURTHER ENACTED, That representative organizations of dependent adult care programs, including the Health Facilities Association of Maryland and the Maryland Association of Nonprofit Homes for the Aging, shall report to the Senate Finance Committee and the House Environmental Matters Committee on or before February 1, 1997 on the effect of this Act on their operations, the availability of qualified eligible employees, and the potential need and impact of mandating a national criminal history records check for dependent adult care programs.*

SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October July 1, 1996.

Approved May 23, 1996.