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March 1, 2021

The Honorable Evan P. Shanley  
Chairman, House Committee on State Government and Elections  
State House  
Providence, Rhode Island 02903

Re: H-5486 Employee Criminal Records Check  
Position of the Community Provider Network of Rhode Island

Dear Chairman Shanley and Members of the House Committee on State Government and Elections:

Thank you for allowing me to submit to you the position of the Community Provider Network of Rhode Island (CPNRI) regarding the above legislation. I am the registered lobbyist for CPNRI, a nonprofit association of private providers of support and services to adults with intellectual and developmental disabilities (I/DD). The legislation before you relates to required criminal background checks for employees licensed, funded and/or operated by BHDDH, including those who provide services to I/DD individuals. At the outset CPNRI would like to express their strong support for this process which provides critical tools to I/DD service providers to protect this very vulnerable population. CPNRI members employ approximately 5,000 full and part time individuals.

We would like to draw the Committee's attention to a potential conflict some of the proposed language has with another provision of Chapter 25.1. The proposed language of H-5486 on page two, lines 14-16 requires the potential employee or the 'requesting agency' pay the cost of a background check. Please note that in the definition section of Chapter 25.1 'agency' is defined as the service provider (for example, the Trudeau Center, Maher Center, ARC of Blackstone Valley, and the other service providers).

The proposed language seems to be in direct conflict with Section 6 of Chapter 25.1 which states, in part:

**“The director (BHDDH) shall promulgate rules and regulations to carry out the intent of this chapter. ... The rules and regulations shall specify that the department shall bear the responsibility for the cost of the national background checks. ... In no event shall the provider, the state or local police department, or the applicant be responsible for any portion of the cost of the national background check.”** (Copy of Section 6 is attached).

CPNRI was involved in the discussion surrounding the adoption of this language and understood at the time, and since, that the General Assembly unambiguously assigned the financial responsibility for the background checks to the department in light of the compelling public interest involved.

I have had the opportunity to have conversations with Representative Edwards and the Office of the Attorney General and we appreciate them working with us. We look forward to working with them and the Committee to address this matter.

I appreciate the opportunity to bring this matter before the Committee.

Sincerely yours,

Christopher Boyle, Esq.

Attachment: Section 40.1-25.1-6  
copy- The Honorable John G. Edwards  
The Honorable Peter F. Neronha, Attorney General

