



TERRY E. BRANSTAD  
GOVERNOR

**OFFICE OF THE GOVERNOR**

KIM REYNOLDS  
LT. GOVERNOR

April 12, 2017

The Honorable Paul Pate  
Secretary of State of Iowa  
State Capitol Building  
LOCAL

Dear Mr. Secretary:

I hereby transmit:

House File 576, an Act relating to background investigations of individuals employed through temporary staffing agencies with certain health care providers.

The above House File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry E. Branstad".

Terry E. Branstad  
Governor

cc: Secretary of the Senate  
Clerk of the House



House File 576

AN ACT

RELATING TO BACKGROUND INVESTIGATIONS OF INDIVIDUALS EMPLOYED THROUGH TEMPORARY STAFFING AGENCIES WITH CERTAIN HEALTH CARE PROVIDERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 135C.33, Code 2017, is amended by adding the following new subsection:

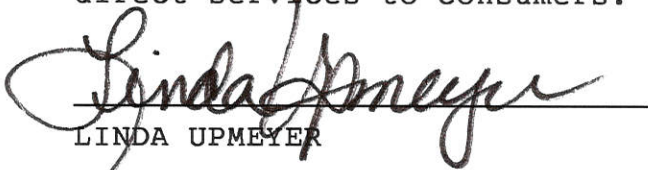
NEW SUBSECTION. 5A. *a.* This section shall also apply to an employee of a temporary staffing agency that provides staffing for a facility, service, program, or other provider regulated by this section if the employee provides direct services to consumers.


*b.* In substantial conformance with the provisions of this section, prior to the employment of such an employee, the temporary staffing agency shall request the performance of the criminal and child and dependent adult abuse record checks. The temporary staffing agency shall inform the prospective employee and obtain the prospective employee's signed acknowledgment. The department of human services shall perform the evaluation of any criminal record or founded child or dependent adult abuse record and shall make the determination of whether a prospective employee of a temporary staffing agency shall not be employed by the assisted living program as defined in section 231C.2, the Medicare certified home health agency, or the facility, service, program, or other provider regulated by this section.

c. If a person employed by a temporary staffing agency that is subject to this section is convicted of a crime or has a record of founded child or dependent adult abuse entered in the abuse registry after the person's employment application date, the person shall inform the temporary staffing agency within forty-eight hours and the temporary staffing agency shall inform the facility, service, program, or other provider within two hours.


d. If a temporary staffing agency fails to comply with the requirements of this section, the temporary staffing agency shall be liable to the facility, service, program, or other provider for any actual damages, including civil penalties, and reasonable attorney fees.

e. This section shall not apply to employees employed by a temporary staffing agency for a position that does not provide direct services to consumers.

  
LINDA UPMEYER  
Speaker of the House

  
JACK WHITVER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 576, Eighty-seventh General Assembly.

  
CARMINE BOAL  
Chief Clerk of the House

Approved April 12, 2017

  
TERRY E. BRANSTAD  
Governor