

3/3/97 Hamon (Rep.)

FILED FEB 27 1997

SENATE FILE 247  
BY MCKEAN

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to health care facilities by requiring criminal  
2 and child and dependent adult abuse records checks of  
3 prospective licensees and employees.

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

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SF. 247

1 Section 1. Section 135C.33, subsection 1, Code 1997, is  
2 amended to read as follows:

3 1. On or after July 1, ~~1994~~ 1997, with regard to new  
4 applicants for licensure or employment, if a person is being  
5 considered for licensure under this chapter, or for employment  
6 involving direct responsibility for a resident or with access  
7 to a resident when the resident is alone, or if the person  
8 considered for licensure or employment under this chapter will  
9 reside in a facility, the ~~facility may request that the~~  
10 department of human services shall conduct criminal and child  
11 and dependent adult abuse record checks in this state and. In  
12 addition, the department of human services may perform the  
13 records checks in other states, on a random basis. Beginning  
14 July 1, ~~1994~~ 1997, a facility shall inform all new applicants  
15 for employment ~~of the possibility of~~ regarding the performance  
16 of a record check and shall obtain, from the applicant, a  
17 signed acknowledgment of the receipt of the information.  
18 Additionally, on or after July 1, 1994, a facility shall  
19 include the following inquiry in an application for  
20 employment: "Do you have a record of founded child or  
21 dependent adult abuse or have you ever been convicted of a  
22 crime, in this state or any other state?" If the person has  
23 been convicted of a crime under a law of any state or has a  
24 record of founded child or dependent adult abuse, the  
25 department of human services shall perform an evaluation to  
26 determine whether the crime or founded child or dependent  
27 adult abuse warrants prohibition of licensure, employment, or  
28 residence in the facility. The evaluation shall be performed  
29 in accordance with procedures adopted for this purpose by the  
30 department of human services.

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EXPLANATION

32 This bill relates to health care facilities by requiring  
33 criminal and child and dependent adult abuse records checks of  
34 prospective licensees and employees. Under current law, the  
35 checks are done pursuant to a request by the health care

1 facility to the department of human services and are done on a  
2 random basis.

3 The bill amends Code section 135C.33 to apply the records  
4 checks requirement to residential care facilities, nursing  
5 facilities, intermediate care facilities for persons with  
6 mental retardation, and intermediate care facilities for  
7 persons with mental illness licensed under chapter 135C.

8 Current law is unchanged which after a records check is  
9 done, prohibits the licensure, employment by, or residence in  
10 a health care facility of a person who has committed a crime  
11 or has a record of founded child or dependent adult abuse if  
12 the prohibition is found to be warranted by a department of  
13 human services evaluation.

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