

CHAPTER 42**HEALTH CARE FACILITIES — RECORDS CHECKS — HOME HEALTH SERVICES****S.F. 523**

AN ACT relating to health care facilities by requiring employment checks of prospective health care facility employees.

Be It Enacted by the General Assembly of the State of Iowa:

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

135C.33 CHILD OR DEPENDENT ADULT ABUSE INFORMATION AND CRIMINAL RECORDS — EVALUATIONS.

1. ~~On or after Beginning July 1, 1994 1997, with regard to new applicants for licensure or employment, if a person is being considered for licensure under this chapter, or for employment involving direct responsibility for a resident or with access to a resident when the resident is alone, or if the person considered for licensure or employment under this chapter will reside prior to employment of a person in a facility, the facility may shall~~ request that the department of ~~human services conduct~~ public safety perform criminal and child and dependent adult abuse record checks of the person in this state ~~and in other states, on a random basis. In addition, the facility may request that the department of human services perform a child abuse record check in this state.~~ Beginning July 1, ~~1994 1997~~, a facility shall inform all ~~new applicants for employment persons prior to employment of the possibility of regarding~~ the performance of a ~~record check~~ the records checks and shall obtain, from the ~~applicant persons,~~ a signed acknowledgment of the receipt of the information. Additionally, ~~on or after July 1, 1994,~~ a facility shall include the following inquiry in an application for employment: "Do you have a record of founded child or dependent adult abuse or have you ever been convicted of a crime, in this state or any other state?" If the person has been convicted of a crime under a law of any state or has a record of founded child or dependent adult abuse, the department of human services shall perform an evaluation to determine whether the crime or founded child or dependent adult abuse warrants prohibition of ~~licensure, employment, or residence~~ in the facility. The evaluation shall be performed in accordance with procedures adopted for this purpose by the department of human services.

2. If the department of ~~human services~~ public safety determines that a person has committed a crime or has a record of founded ~~child or~~ dependent adult abuse and is ~~licensed, to be employed by in~~ a facility licensed under this chapter, ~~or resides in a licensed facility,~~ the department of public safety shall notify the licensee that an evaluation will be conducted by the department of human services to determine whether prohibition of the person's ~~licensure, employment, or residence~~ is warranted. If a department of human services child abuse record check determines the person has a record of founded child abuse, the department shall inform the licensee that an evaluation will be conducted to determine whether prohibition of the person's employment is warranted.

3. In an evaluation, the department of human services shall consider the nature and seriousness of the crime or founded child or dependent adult abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded child or dependent adult abuse, the circumstances under which the crime or founded child or dependent adult abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded child or dependent adult abuse again, and the number of crimes or founded child or dependent adult abuses committed by the person involved. The department of human services has final authority in determining whether prohibition of the person's ~~licensure, employment, or residence~~ is warranted.

4. If the department of human services determines that the person has committed a crime or has a record of founded child or dependent adult abuse which warrants prohibition of ~~licensure, employment, or residence,~~ the person shall not be ~~licensed under this chapter and shall not be employed by in~~ a facility ~~or reside in a facility~~ licensed under this chapter.

Sec. 2. Section 235B.6, subsection 2, paragraph e, Code 1997, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (7) The department of public safety for purposes of performing records checks required under section 135C.33.

Sec. 3. HOME HEALTH SERVICES — REGULATORY REQUIREMENTS. The departments of public health and inspections and appeals shall review federal and state requirements applicable to providers of homemaker, home-health aide, home-care aide, hospice, and other in-home services to persons with health problems. The review shall include but is not limited to current and proposed federal requirements for quality assurance, fiscal information concerning the source of regulatory funding, feasibility analysis of requiring criminal and dependent adult abuse record checks of employees of the providers, feasibility analysis of implementing state regulation of the providers, and other information deemed appropriate by the departments. The departments shall submit a report of findings and recommendations on or before December 15, 1997.

Approved April 18, 1997

CHAPTER 43

ELIGIBILITY REQUIREMENTS FOR WORKERS' COMPENSATION

H.F. 167

AN ACT relating to eligibility requirements for workers' compensation.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 85.1, subsection 1, Code 1997, is amended to read as follows:

1. Any employee engaged in any type of service in or about a private dwelling except that after July 1, ~~1974~~ 1997, this chapter shall apply to such persons who earn ~~two hundred one thousand five hundred~~ dollars or more from such employer for whom employed at the time of the injury during the ~~thirteen~~ twelve consecutive ~~weeks~~ months prior to the injury, provided ~~said~~ the employee is not a regular member of the household. For purposes of this subsection, "member of the household" is defined to be the spouse of the employer or relatives of either the employer or spouse residing on the premises of the employer.

Sec. 2. Section 85.1, subsection 2, Code 1997, is amended to read as follows:

2. Persons whose employment is purely casual and not for the purpose of the employer's trade or business, except that after July 1, ~~1974~~ 1997, this chapter shall apply to such employees who earn ~~two hundred one thousand five hundred~~ dollars or more from such employer for whom employed at the time of the injury during the ~~thirteen~~ twelve consecutive ~~weeks~~ months prior to the injury.

Approved April 18, 1997