

### 237.8 Personnel.

1. A person shall not be allowed to provide services in an agency licensee's facility if the person has a disease which is transmissible to other persons through required contact in the workplace, which presents a significant risk of infecting other persons, which presents a substantial possibility of harming other persons, or for which no reasonable accommodation can eliminate the risk of infecting other persons.

2. a. (1) If a person is being considered for licensure or approval under [this chapter](#), or if a person is being considered for employment by an agency licensee and the employment involves direct responsibility for a child, is in a facility where children reside, or requires the person to reside in a facility utilized by an agency licensee, and if the person has been convicted of a crime or has a record of founded child abuse, the record check evaluation system of the department, and the agency licensee for a prospective employee of the agency licensee, shall perform an evaluation to determine whether the crime or founded child abuse warrants prohibition of licensure, approval, employment, or residence in the facility. The record check evaluation system shall conduct criminal and child abuse record checks in this state and may conduct these checks in other states. The evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

(2) If the criminal and child abuse record checks conducted in this state under subparagraph (1) for a person being considered for licensure as an agency licensee under [this chapter](#), or for employment by an agency licensee and the employment involves direct responsibility for a child, is in a facility where children reside, or requires the person to reside in a facility utilized by an agency licensee, have been completed and the person either does not have a record of crime or founded child abuse or the record check evaluation system's evaluation of the record has determined that prohibition of the licensure or employment is not warranted, the person may be provisionally licensed or employed pending the outcome of the fingerprint-based criminal history check conducted pursuant to subparagraph (4).

(3) A person being considered for licensure as an agency licensee under [this chapter](#), or a person being considered for employment by an agency licensee if the employment involves direct responsibility for a child, is in a facility where children reside, or requires the person to reside in a facility utilized by an agency licensee, shall not be granted a license or be employed and an evaluation shall not be performed under [this subsection](#), if the person has been convicted of any of the following felony offenses:

- (a) Within the five-year period preceding the application date, a drug-related offense.
- (b) Child endangerment or neglect or abandonment of a dependent person.
- (c) Domestic abuse.
- (d) A crime against a child, including but not limited to sexual exploitation of a minor.
- (e) A forcible felony.

(4) If a person is being considered for licensure or approval under [this chapter](#), or if a person is being considered for employment by an agency licensee and the employment involves direct responsibility for a child, is in a facility where children reside, or requires the person to reside in a facility utilized by an agency licensee, in addition to the record checks conducted under subparagraph (1), the person's fingerprints shall be provided to the department of public safety for submission through the state criminal history repository to the United States department of justice, federal bureau of investigation for a national criminal history check. The cost of the criminal history check conducted under this subparagraph shall be the responsibility of the department.

(5) If the criminal and child abuse record checks conducted in this state under subparagraph (1) for a person being considered for licensure as an individual licensee or for approval as an approved kinship caregiver have been completed and the person either does not have a record of crime or founded abuse, or the record check evaluation system's evaluation of the record has determined that prohibition of the person's licensure or approval is not warranted, the person may be provisionally licensed or approved pending the outcome of the fingerprint-based criminal history check conducted pursuant to subparagraph (4).

(6) An applicant for a license as an individual licensee or for approval as an approved kinship caregiver shall not be granted a license or approval, and an evaluation shall not be

performed under [this subsection](#), if the applicant has been convicted of any of the following felony offenses:

- (a) Within the five-year period preceding the application date, a drug-related offense.
- (b) Child endangerment or neglect or abandonment of a dependent person.
- (c) Domestic abuse.
- (d) A crime against a child, including but not limited to sexual exploitation of a minor.
- (e) A forcible felony.

b. Except as otherwise provided in paragraph “a”, if the record check evaluation system determines that a person has committed a crime or has a record of founded child abuse and is licensed, approved, employed by an agency licensee, or resides in a licensed facility, the record check evaluation system shall notify the licensee or approved kinship caregiver that an evaluation will be conducted to determine whether prohibition of the person’s licensure, approval, employment, or residence is warranted.

c. In an evaluation, the record check evaluation system, and the agency licensee for an employee or prospective employee of the agency licensee shall consider the nature and seriousness of the crime or founded child abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded child abuse, the circumstances under which the crime or founded child abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded child abuse again, and the number of crimes or founded child abuses committed by the person involved. The record check evaluation system may permit a person who is evaluated to be licensed, approved, employed, or to reside in a facility, or to continue to be licensed, approved, employed, or to reside in a facility, if the person complies with the record check evaluation system’s conditions relating to the person’s licensure, approval, employment, or residence, which may include completion of additional training. For an employee or prospective employee of an agency licensee, these conditional requirements shall be developed with the agency licensee. The record check evaluation system shall have final authority in determining whether prohibition of the person’s licensure, approval, employment, or residence is warranted and in developing any conditional requirements under this paragraph.

d. If the record check evaluation system determines that the person has committed a crime or has a record of founded child abuse that warrants prohibition of licensure, approval, employment, or residence, the person shall not be licensed or approved under [this chapter](#) and shall not be employed by an agency licensee or reside in a facility.

3. In addition to the record checks required under [subsection 2](#), the record check evaluation system may conduct dependent adult abuse record checks in this state and in other states on a random basis. The provisions of [subsection 2](#), relative to an evaluation following a determination that a person has been convicted of a crime or has a record of founded child abuse, shall also apply to a random check conducted under [this subsection](#).

4. An agency licensee shall inform all new applicants for employment of the possibility of the performance of a record check and shall obtain, from the applicant, a signed acknowledgment of the receipt of the information.

5. An agency licensee 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?

[C81, §237.8]

[87 Acts, ch 153, §16](#); [88 Acts, ch 1134, §57](#); [89 Acts, ch 283, §27](#); [90 Acts, ch 1221, §7](#); [91 Acts, ch 138, §7](#); [94 Acts, ch 1130, §14](#); [98 Acts, ch 1190, §29](#); [2007 Acts, ch 172, §12](#); [2019 Acts, ch 126, §5, 6](#); [2023 Acts, ch 19, §732](#); [2025 Acts, ch 135, §20](#)

Referred to in [§232.142](#)  
Section amended