



TERRY E. BRANSTAD  
GOVERNOR

OFFICE OF THE GOVERNOR

KIM REYNOLDS  
LT. GOVERNOR

April 12, 2012

The Honorable Matt Schultz  
Secretary of State of Iowa  
State Capitol Building  
LOCAL

Dear Mr. Secretary:

I hereby transmit:

Senate File 2164, an Act relating to Department of Human Services' evaluations of criminal or abuse records of employees of health care facilities and child care facilities and homes.

The above Senate File is hereby approved this date.

Sincerely,

A handwritten signature in black ink that reads "Terry E. Branstad".

Terry E. Branstad  
Governor

cc: Secretary of the Senate  
Clerk of the House



Senate File 2164

AN ACT

RELATING TO DEPARTMENT OF HUMAN SERVICES' EVALUATIONS OF  
CRIMINAL OR ABUSE RECORDS OF EMPLOYEES OF HEALTH CARE  
FACILITIES AND CHILD CARE FACILITIES AND HOMES.

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

Section 1. Section 135C.33, subsection 4, paragraph b, Code 2011, is amended to read as follows:

*b.* A person with a criminal or abuse record who is or was employed by a facility licensed under this chapter and is hired by another licensee ~~without a lapse in employment~~ shall be subject to the criminal history and abuse record checks required pursuant to subsection 1. If However, if an evaluation was previously performed by the department of human services concerning the person's criminal or abuse record and it was determined that the record did not warrant prohibition of the person's employment and the latest record checks do not indicate a crime was committed or founded abuse record was entered subsequent to that evaluation, the person may commence employment with the other licensee while in accordance with the department of human services' evaluation of the latest record checks is pending and an exemption from the requirements in paragraph "a" for reevaluation of the latest record checks is authorized. Otherwise, the requirements of paragraph "a" remain applicable to the person's employment. Authorization of an exemption under this paragraph "b" from requirements for reevaluation of the latest record checks by the department of human services is subject to all of the following provisions:

(1) The position with the subsequent employer is substantially the same or has the same job responsibilities as the position for which the previous evaluation was performed.