

FEB 20 1991

Place On Calendar

HOUSE FILE 296

BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 14)

Passed House, Date 3/5/91 (p. 544) Passed Senate, Date 4/16/91 (p. 125)

Vote: Ayes 77 Nays 0 Vote: Ayes 47 Nays 0

Approved May 8, 1991 (p. 2193)

*Re-passed House for Senate amendment
4/22/91 (p. 1444)
Ayes 97, Nays 0*

A BILL FOR

- 1 An Act relating to record checks and evaluations concerning
- 2 facilities providing care to children and state institutions
- 3 controlled by the department of human services, and containing
- 4 applicability provisions.

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

HOUSE FILE 296

S-3396

- 1 Amend House File 296, passed by the House, as
- 2 follows:
- 3 1. Page 4, by inserting after line 34 the
- 4 following:
- 5 "Sec. ____ . Section 235A.15, subsection 2,
- 6 paragraph c, Code 1991, is amended by adding the
- 7 following new subparagraph:
- 8 NEW SUBPARAGRAPH. (10) To an administrator of a
- 9 community mental health center accredited under
- 10 chapter 230A if the information concerns a person
- 11 employed or being considered for employment by the
- 12 center."
- 13 2. By renumbering as necessary.

By BEVERLY A. HANNON

S-3396 FILED APRIL 11, 1991

Adopted 4/16/91 (p. 1258)

20
21
22
23
24

HF 296

1 Section 1. Section 125.14A, subsections 1 and 3, Code
2 1991, are amended to read as follows:

3 1. If a person is being considered for licensure under
4 this chapter, or for employment involving direct
5 responsibility for a child or with access to a child when the
6 child is alone, by a program admitting juveniles subject to
7 licensure under this chapter, or if a person will reside in a
8 facility utilized by such a program, and if the person has
9 been convicted of a crime ~~under a law of any state~~ or has a
10 record of founded child abuse, the department of human
11 services and the program for an employee of the program shall
12 perform an evaluation to determine whether the crime or
13 founded child abuse warrants prohibition of licensure,
14 employment, or residence in the facility. The department
15 shall conduct criminal and child abuse record checks in this
16 state and may conduct these checks in other states. The
17 evaluation shall be performed in accordance with procedures
18 adopted for this purpose by the department of human services.

19 3. In an evaluation, the department of human services and
20 the program for an employee of the program shall consider the
21 nature and seriousness of the crime or founded child abuse in
22 relation to the position sought or held, the time elapsed
23 since the commission of the crime or founded child abuse, the
24 circumstances under which the crime or founded child abuse was
25 committed, the degree of rehabilitation, the likelihood that
26 the person will commit the crime or founded child abuse again,
27 and the number of crimes or founded child abuses committed by
28 the person involved. The department of human services may
29 permit a person who is evaluated to be licensed, employed, or
30 to reside, or to continue to be licensed, employed, or to
31 reside in a program, if the person complies with the
32 department's conditions relating to the person's licensure,
33 employment, or residence, which may include completion of
34 additional training. For an employee of a licensee, these
35 conditional requirements shall be developed with the licensee.

1 The department of human services has final authority in
2 determining whether prohibition of the person's licensure,
3 employment, or residence is warranted and in developing any
4 conditional requirements under this subsection.

5 Sec. 2. Section 135H.7, subsection 2, paragraphs a and c,
6 Code 1991, are amended to read as follows:

7 a. If a person is being considered for licensure under
8 this chapter, or for employment involving direct
9 responsibility for a child or with access to a child when the
10 child is alone, by a licensed psychiatric institution, or if a
11 person will reside in a facility utilized by a licensee, and
12 if the person has been convicted of a crime ~~under a law of any~~
13 state or has a record of founded child abuse, the department
14 of human services and the licensee for an employee of the
15 licensee shall perform an evaluation to determine whether the
16 crime or founded child abuse warrants prohibition of
17 licensure, employment, or residence in the facility. The
18 department shall conduct criminal and child abuse record
19 checks in this state and may conduct these checks in other
20 states. The evaluation shall be performed in accordance with
21 procedures adopted for this purpose by the department of human
22 services.

23 c. In an evaluation, the department of human services and
24 the licensee for an employee of the licensee shall consider
25 the nature and seriousness of the crime or founded child abuse
26 in relation to the position sought or held, the time elapsed
27 since the commission of the crime or founded child abuse, the
28 circumstances under which the crime or founded child abuse was
29 committed, the degree of rehabilitation, the likelihood that
30 the person will commit the crime or founded child abuse again,
31 and the number of crimes or founded child abuses committed by
32 the person involved. The department may permit a person who
33 is evaluated to be licensed, employed, or to reside, or to
34 continue to be licensed, employed, or to reside in a licensed
35 facility, if the person complies with the department's

1 conditions relating to the person's licensure, employment, or
2 residence, which may include completion of additional
3 training. For an employee of a licensee, these conditional
4 requirements shall be developed with the licensee. The
5 department of human services has final authority in
6 determining whether prohibition of the person's licensure,
7 employment, or residence is warranted and in developing any
8 conditional requirements under this paragraph.

9 Sec. 3. NEW SECTION. 218.13 EMPLOYEE RECORD CHECKS.

10 1. For the purposes of this section, unless the context
11 otherwise requires:

12 a. "Department" means the department of human services.

13 b. "Institution" means an institution controlled by the
14 department as described in section 218.1.

15 c. "Resident" means a person committed or admitted to an
16 institution.

17 2. If a person is being considered for employment
18 involving direct responsibility for a resident or with access
19 to a resident when the resident is alone, or if a person will
20 reside in a facility utilized by an institution, and if the
21 person has been convicted of a crime or has a record of
22 founded child abuse, the department shall perform an
23 evaluation to determine whether the crime or founded child
24 abuse warrants prohibition of employment or residence in the
25 facility. The department shall conduct criminal and child
26 abuse record checks of the person in this state and may
27 conduct these checks in other states. The investigation and
28 evaluation shall be performed in accordance with procedures
29 adopted for this purpose by the department.

30 3. If the department determines that a person, who is
31 employed by an institution or resides in a facility utilized
32 by an institution, has been convicted of a crime or has a
33 record of founded child abuse, the department shall perform an
34 evaluation to determine whether prohibition of the person's
35 employment or residence is warranted. The evaluation shall be

1 performed in accordance with procedures adopted for this
2 purpose by the department.

3 4. In an evaluation, the department shall consider the
4 nature and seriousness of the crime or founded child abuse in
5 relation to the position sought or held, the time elapsed
6 since the commission of the crime or founded child abuse, the
7 circumstances under which the crime or founded child abuse was
8 committed, the degree of rehabilitation, the likelihood that
9 the person will commit the crime or founded child abuse again,
10 and the number of crimes or founded child abuses committed by
11 the person involved. The department may permit a person who
12 is evaluated to be employed or reside or to continue
13 employment or residence if the person complies with the
14 department's conditions relating to employment or residence
15 which may include completion of additional training.

16 5. If the department determines that the person has
17 committed a crime or has a record of founded child abuse which
18 warrants prohibition of employment or residence, the person
19 shall not be employed by an institution or reside in a
20 facility utilized by an institution.

21 Sec. 4. Section 232.142, subsection 4, Code 1991, is
22 amended to read as follows:

23 4. The director shall adopt minimal rules and standards
24 for the establishment, maintenance, and operation of such
25 homes as shall be necessary to effect the purposes of this
26 chapter. The rules shall apply the requirements of section
27 237.8, concerning employment and evaluation of persons with
28 direct responsibility for a child or with access to a child
29 when the child is alone and persons residing in a child foster
30 care facility, to persons employed by or residing in a home
31 approved under this section. The director shall, upon
32 request, give guidance and consultation in the establishment
33 and administration of such the homes and programs for such the
34 homes.

35 Sec. 5. Section 235A.15, subsection 2, paragraph e, Code

1 1991), is amended by adding the following new subparagraph:

2 NEW SUBPARAGRAPH. (11) To the department of human
3 services for a record check relating to employment or
4 residence pursuant to section 218.13.

5 Sec. 6. Section 237.8, subsection 2, paragraphs a and c,
6 Code 1991, are amended to read as follows:

7 a. If a person is being considered for licensure under
8 this chapter, or for employment involving direct
9 responsibility for a child or with access to a child when the
10 child is alone, by a licensee under this chapter, or if a
11 person will reside in a facility utilized by a licensee, and
12 if the person has been convicted of a crime ~~under a law of any~~
13 ~~state~~ or has a record of founded child abuse, the department
14 and the licensee for an employee of the licensee shall perform
15 an evaluation to determine whether the crime or founded child
16 abuse warrants prohibition of licensure, employment, or
17 residence in the facility. The department shall conduct
18 criminal and child abuse record checks in this state and may
19 conduct these checks in other states. The evaluation shall be
20 performed in accordance with procedures adopted for this
21 purpose by the department.

22 c. In an evaluation, the department and the licensee for
23 an employee of the licensee shall consider the nature and
24 seriousness of the crime or founded child abuse in relation to
25 the position sought or held, the time elapsed since the
26 commission of the crime or founded child abuse, the
27 circumstances under which the crime or founded child abuse was
28 committed, the degree of rehabilitation, the likelihood that
29 the person will commit the crime or founded child abuse again,
30 and the number of crimes or founded child abuses committed by
31 the person involved. The department may permit a person who
32 is evaluated to be licensed, employed, or to reside, or to
33 continue to be licensed, employed, or to reside in a licensed
34 facility, if the person complies with the department's
35 conditions relating to the person's licensure, employment, or

1 residence, which may include completion of additional
2 training. For an employee of a licensee, these conditional
3 requirements shall be developed with the licensee. The
4 department has final authority in determining whether
5 prohibition of the person's licensure, employment, or
6 residence is warranted and in developing any conditional
7 requirements under this paragraph.

8 Sec. 7. Section 237A.5, subsection 2, paragraphs a and c,
9 Code 1991, are amended to read as follows:

10 a. If a person is being considered for licensure or
11 registration under this chapter, or for employment involving
12 direct responsibility for a child or with access to a child
13 when the child is alone, by a child day care facility subject
14 to licensure or registration under this chapter, or if a
15 person will reside in a facility, and if the person has been
16 convicted of a crime ~~under a law of any state~~ or has a record
17 of founded child abuse, the department and the licensee or
18 registrant for an employee of the licensee or registrant shall
19 perform an evaluation to determine whether the crime or
20 founded child abuse warrants prohibition of licensure,
21 registration, employment, or residence in the facility. The
22 department shall conduct criminal and child abuse record
23 checks in this state and may conduct these checks in other
24 states. The evaluation shall be performed in accordance with
25 procedures adopted for this purpose by the department.

26 c. In an evaluation, the department and the licensee or
27 registrant for an employee of the licensee or registrant shall
28 consider the nature and seriousness of the crime or founded
29 child abuse in relation to the position sought or held, the
30 time elapsed since the commission of the crime or founded
31 child abuse, the circumstances under which the crime or
32 founded child abuse was committed, the degree of
33 rehabilitation, the likelihood that the person will commit the
34 crime or founded child abuse again, and the number of crimes
35 or founded child abuses committed by the person involved. The

1 department may permit a person who is evaluated to be
2 licensed, registered, employed, or to reside, or to continue
3 to be licensed, registered, employed, or to reside in a
4 licensed facility, if the person complies with the
5 department's conditions relating to the person's licensure,
6 registration, employment, or residence, which may include
7 completion of additional training. For an employee of a
8 licensee or registrant, these conditional requirements shall
9 be developed with the licensee or registrant. The department
10 has final authority in determining whether prohibition of the
11 person's licensure, registration, employment, or residence is
12 warranted and in developing any conditional requirements under
13 this paragraph.

14 Sec. 8. Section 692.2, subsection 1, paragraph c, Code
15 1991, is amended to read as follows:

16 c. The department of human services for the purposes of
17 section 218.13, section 232.71, subsection 16, section
18 232.142, section 237.8, subsection 2, section 237A.5, section
19 237A.20, and section 600.8, subsections 1 and 2.

20 Sec. 9. APPLICABILITY. The provisions of this Act are
21 applicable on or after July 1, 1991, to persons who are
22 initially licensed, employed, or reside in such facility,
23 program, or institution employment or who commit an act, on or
24 after July 1, 1991, requiring record checks or performance of
25 an evaluation pursuant to this Act.

26 EXPLANATION

27 This bill relates to records checks concerning facilities
28 providing care to children. Law relating to child abuse
29 record checks performed by the department of human services of
30 licensees and employees with direct access to children and
31 persons residing in these facilities is expanded to permit
32 consideration of a record of founded child abuse in any state.
33 The expansion applies to licensed or registered substance
34 abuse programs, psychiatric medical institutions for children,
35 child foster care facilities, and child day care providers.

1 Existing law relating to evaluations performed by the
2 department and licensees or registrants for employees of the
3 licensees or registrants is amended to permit a person with a
4 record of crime or founded child abuse to be licensed,
5 registered, employed, or to reside if the person meets any
6 conditional requirements developed by the department, and the
7 licensee if appropriate.

8 Similar requirements are established to perform these
9 checks and evaluations for employees of state institutions
10 controlled by the department of human services. The
11 institutions include the state mental health institutes, the
12 state hospital-schools, the state juvenile institutions, and
13 the Iowa veterans' home. In addition, the requirements are
14 established for county juvenile and detention homes approved
15 by the department.

16 The bill applies to persons who are initially licensed,
17 employed, or reside or commit an action on or after July 1,
18 1991, requiring record checks or performance of an evaluation
19 as specified by the bill.

20

SENATE AMENDMENT TO HOUSE FILE 296

H-3706

1 Amend House File 296, passed by the House, as
2 follows:

3 1. Page 4, by inserting after line 34 the
4 following:

5 "Sec. ____ . Section 235A.15, subsection 2,
6 paragraph c, Code 1991, is amended by adding the
7 following new subparagraph:

8 NEW SUBPARAGRAPH. (10) To an administrator of a
9 community mental health center accredited under
10 chapter 230A if the information concerns a person
11 employed or being considered for employment by the
12 center."

13 2. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-3706 FILED APRIL 18, 1991

House recorded 4/22/91 (p. 1414)

HOUSE FILE 296
FISCAL NOTE

A fiscal note for House File 296 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 296 permits the Department of Human Services (DHS) to check records of founded child abuse in other states, and to consider a record from other states. Child abuse record checks are performed by DHS of licensees and employees with direct access to children and persons residing in these facilities, such as licensed or registered substance abuse programs, psychiatric medical institutions of children, child foster care facilities, and child care providers.

The bill also permits persons with a record of a crime or founded child abuse to be licensed, registered, or employed if the persons meets any conditional requirements which are developed by the DHS, and by the licensee if appropriate.

Record checks are required to be performed on employees of institutions operated by the DHS. The bill requires checks to be performed on employees of county juvenile and detention homes approved by the DHS.

Fiscal Effect

House File 296 is estimated to have minimal fiscal impact. The record checks required by the bill have been performed for some time, and would not require additional resources. Previously, the costs of the staff to do these checks were paid from DHS. However, the Department of Public Safety's FY 1991 budget contained funding for the cost of these staff. The cost of a record check is estimated to be \$6 each.

The Department of Public Safety is not permitted to use their systems to check out-of-state records for licensing or non-criminal justice employment purposes.

Sources: Department of Human Services
Department of Public Safety

(LSB 1308hv, JMN)

FILED FEBRUARY 25, 1991

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 296

AN ACT

RELATING TO RECORD CHECKS AND EVALUATIONS CONCERNING FACILITIES PROVIDING CARE TO CHILDREN AND STATE INSTITUTIONS CONTROLLED BY THE DEPARTMENT OF HUMAN SERVICES, AND CONTAINING APPLICABILITY PROVISIONS.

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

Section 1. Section 125.14A, subsections 1 and 3, Code 1991, are amended to read as follows:

1. If a person is being considered for licensure under this chapter, or for employment involving direct responsibility for a child or with access to a child when the child is alone, by a program admitting juveniles subject to licensure under this chapter, or if a person will reside in a facility utilized by such a program, and if the person has been convicted of a crime ~~under a law of any state~~ or has a record of founded child abuse, the department of human services and the program for an employee of the program shall perform an evaluation to determine whether the crime or founded child abuse warrants prohibition of licensure, employment, or residence in the facility. The department 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 of human services.

3. In an evaluation, the department of human services and the program for an employee of the program 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 department of human services may permit a person who is evaluated to be licensed, employed, or to reside, or to continue to be licensed, employed, or to reside in a program, if the person complies with the department's conditions relating to the person's licensure, employment, or residence, which may include completion of additional training. For an employee of a licensee, these conditional requirements shall be developed with the licensee. The department of human services has final authority in determining whether prohibition of the person's licensure, employment, or residence is warranted and in developing any conditional requirements under this subsection.

Sec. 2. Section 135H.7, subsection 2, paragraphs a and c, Code 1991, are amended to read as follows:

a. If a person is being considered for licensure under this chapter, or for employment involving direct responsibility for a child or with access to a child when the child is alone, by a licensed psychiatric institution, or if a person will reside in a facility utilized by a licensee, and if the person has been convicted of a crime ~~under a law of any state~~ or has a record of founded child abuse, the department of human services and the licensee for an employee of the licensee shall perform an evaluation to determine whether the crime or founded child abuse warrants prohibition of licensure, employment, or residence in the facility. The department 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 of human services.

c. In an evaluation, the department of human services and the licensee for an employee of the 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 department may permit a person who is evaluated to be licensed, employed, or to reside, or to continue to be licensed, employed, or to reside in a licensed facility, if the person complies with the department's conditions relating to the person's licensure, employment, or residence, which may include completion of additional training. For an employee of a licensee, these conditional requirements shall be developed with the licensee. The department of human services has final authority in determining whether prohibition of the person's licensure, employment, or residence is warranted and in developing any conditional requirements under this paragraph.

Sec. 3. NEW SECTION. 218.13 EMPLOYER RECORD CHECKS.

1. For the purposes of this section, unless the context otherwise requires:

- a. "Department" means the department of human services.
- b. "Institution" means an institution controlled by the department as described in section 218.1.
- c. "Resident" means a person committed or admitted to an institution.

2. If a person is being considered for employment involving direct responsibility for a resident or with access to a resident when the resident is alone, or if a person will reside in a facility utilized by an institution, and if the person has been convicted of a crime or has a record of founded child abuse, the department shall perform an evaluation to determine whether the crime or founded child abuse warrants prohibition of employment or residence in the facility. The department shall conduct criminal and child

abuse record checks of the person in this state and may conduct these checks in other states. The investigation and evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

3. If the department determines that a person, who is employed by an institution or resides in a facility utilized by an institution, has been convicted of a crime or has a record of founded child abuse, the department shall perform an evaluation to determine whether prohibition of the person's employment or residence is warranted. The evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

4. In an evaluation, the department 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 department may permit a person who is evaluated to be employed or reside or to continue employment or residence if the person complies with the department's conditions relating to employment or residence which may include completion of additional training.

5. If the department determines that the person has committed a crime or has a record of founded child abuse which warrants prohibition of employment or residence, the person shall not be employed by an institution or reside in a facility utilized by an institution.

Sec. 4. Section 232.142, subsection 4, Code 1991, is amended to read as follows:

4. The director shall adopt minimal rules and standards for the establishment, maintenance, and operation of such homes as shall be necessary to effect the purposes of this

chapter. The rules shall apply the requirements of section 237.8, concerning employment and evaluation of persons with direct responsibility for a child or with access to a child when the child is alone and persons residing in a child foster care facility, to persons employed by or residing in a home approved under this section. The director shall, upon request, give guidance and consultation in the establishment and administration of such the homes and programs for such the homes.

Sec. 5. Section 235A.15, subsection 2, paragraph c, Code 1991, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (10) To an administrator of a community mental health center accredited under chapter 230A if the information concerns a person employed or being considered for employment by the center.

Sec. 6. Section 235A.15, subsection 2, paragraph c, Code 1991, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (11) To the department of human services for a record check relating to employment or residence pursuant to section 218.12.

Sec. 7. Section 237.8, subsection 2, paragraphs a and c, Code 1991, are amended to read as follows:

a. If a person is being considered for licensure under this chapter, or for employment involving direct responsibility for a child or with access to a child when the child is alone, by a licensee under this chapter, or if a person will reside in a facility utilized by a licensee, and if the person has been convicted of a crime under a law of any state or has a record of founded child abuse, the department and the licensee for an employee of the licensee shall perform an evaluation to determine whether the crime or founded child abuse warrants prohibition of licensure, employment, or residence in the facility. The department 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.

c. In an evaluation, the department and the licensee for an employee of the 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 department may permit a person who is evaluated to be licensed, employed, or to reside, or to continue to be licensed, employed, or to reside in a licensed facility, if the person complies with the department's conditions relating to the person's licensure, employment, or residence, which may include completion of additional training. For an employee of a licensee, these conditional requirements shall be developed with the licensee. The department has final authority in determining whether prohibition of the person's licensure, employment, or residence is warranted and in developing any conditional requirements under this paragraph.

Sec. 8. Section 237A.5, subsection 2, paragraphs a and c, Code 1991, are amended to read as follows:

a. If a person is being considered for licensure or registration under this chapter, or for employment involving direct responsibility for a child or with access to a child when the child is alone, by a child day care facility subject to licensure or registration under this chapter, or if a person will reside in a facility, and if the person has been convicted of a crime under a law of any state or has a record of founded child abuse, the department and the licensee or registrant for an employee of the licensee or registrant shall perform an evaluation to determine whether the crime or

founded child abuse warrants prohibition of licensure, registration, employment, or residence in the facility. The department 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.

c. In an evaluation, the department and the licensee or registrant for an employee of the licensee or registrant 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 department may permit a person who is evaluated to be licensed, registered, employed, or to reside, or to continue to be licensed, registered, employed, or to reside in a licensed facility, if the person complies with the department's conditions relating to the person's licensure, registration, employment, or residence, which may include completion of additional training. For an employee of a licensee or registrant, these conditional requirements shall be developed with the licensee or registrant. The department has final authority in determining whether prohibition of the person's licensure, registration, employment, or residence is warranted and in developing any conditional requirements under this paragraph.

Sec. 9. Section 692.2, subsection 1, paragraph c, Code 1991, is amended to read as follows:

c. The department of human services for the purposes of section 218.13, section 232.71, subsection 16, section 232.12, section 237.8, subsection 2, section 237A.5, section 237A.20, and section 500.8, subsections 1 and 2.

Sec. 10. APPLICABILITY. The provisions of this Act are applicable on or after July 1, 1991, to persons who are initially licensed, employed, or reside in such facility, program, or institution employment or who commit an act, on or after July 1, 1991, requiring record checks or performance of an evaluation pursuant to this Act.

ROBERT C. ARNOULD
Speaker of the House

JOE J. WELSH
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 296, Seventy-fourth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved *May 8*, 1991

TERRY E. BRANSTAD
Governor