

MAR 4 1997  
HUMAN RESOURCES

HOUSE FILE 420  
BY MARTIN

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

A BILL FOR

1 An Act relating to health care facilities by requiring employment  
2 checks of health care facility employees.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 420

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

3 135C.33 CHILD OR DEPENDENT ADULT ABUSE INFORMATION AND  
4 CRIMINAL RECORDS --EVALUATIONS.

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

34 2. If the department of ~~human-services~~ inspections and  
35 appeals determines that a person has committed a crime or has

1 a record of founded child or dependent adult abuse and is  
2 ~~licensed~~, employed by a facility licensed under this chapter,  
3 ~~or-resides-in-a-licensed-facility~~, the department shall notify  
4 the licensee that an evaluation will be conducted by the  
5 department of human services to determine whether prohibition  
6 of the person's ~~license~~, employment, ~~or-residence~~ is  
7 warranted.

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

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

28 Sec. 2. Section 235A.15, subsection 2, paragraph e, Code  
29 1997, is amended by adding the following new subparagraph:

30 NEW SUBPARAGRAPH. (16) To the department of inspections  
31 and appeals for purposes of performing records checks required  
32 under section 135C.33 and for records checks of a department  
33 employee who performs the records checks required under  
34 section 135C.33.

35 Sec. 3. Section 235B.6, subsection 2, paragraph e, Code

1 1997, is amended by adding the following new subparagraph:  
2 NEW SUBPARAGRAPH. (7) The department of inspections and  
3 appeals for purposes of performing records checks required  
4 under section 135C.33 and for records checks of a department  
5 employee who performs the records checks required under  
6 section 135C.33.

7 EXPLANATION

8 This bill relates to health care facilities by requiring  
9 employment checks of prospective health care facility  
10 employees.

11 The bill amends Code section 135C.33 to require the  
12 department of inspections and appeals to conduct criminal and  
13 child and dependent adult abuse records checks of prospective  
14 health care facility employees. Under current law, the checks  
15 are done pursuant to a request by the health care facility to  
16 the department of human services and are done only on a random  
17 basis. In addition, the bill applies to all facility  
18 employees by striking references to licensees and persons  
19 residing in a health care facility.

20 The bill requires the records checks regarding employment  
21 by residential care facilities, nursing facilities,  
22 intermediate care facilities for persons with mental  
23 retardation, and intermediate care facilities for persons with  
24 mental illness licensed under chapter 135C.

25 The bill amends Code section 135C.33 to provide that if the  
26 department of inspections and appeals determines there is a  
27 record of a crime or founded abuse there will be an evaluation  
28 to determine if prohibition of employment by a health care  
29 facility is warranted.

30 Current law is unchanged which after a records check is  
31 done, prohibits the employment by a health care facility of a  
32 person who has committed a crime or has a record of founded  
33 child or dependent adult abuse if the prohibition is found to  
34 be warranted by a department of human services' evaluation.

35 The bill also amends sections 235A.15 and 235B.6 to provide

1 the department of inspections and appeals with access to the  
2 child and dependent adult abuse registries for purposes of  
3 performing the records checks of health care facility  
4 employees and the department employees who perform the records  
5 checks.

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