

FEB 16 1999

HUMAN RESOURCES

HOUSE FILE
BY MARTIN

286

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for conditional employment pending the outcome
2 of background checks for health care facility employees.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 286

1 Section 1. Section 135C.33, Code 1999, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 7. Prior to and during the performance of
4 a criminal and dependent adult abuse, and child abuse, record
5 check by the departments of public safety and human services,
6 respectively, and after having obtained from a prospective
7 employee a signed acknowledgment of receipt of information
8 regarding the performance of the background checks, a facility
9 may hire a prospective employee on a conditional basis. An
10 offer of conditional employment shall be extended only after
11 the prospective employee has been informed by a facility, and
12 acknowledged in writing, that the nature of the employment
13 shall be temporary pending the outcome of the background
14 checks, and evaluation pursuant to subsection 3 if applicable.
15 A facility employing a person on a conditional basis shall
16 provide direct supervision of the conditional employee by a
17 full-time staff member at all times during which the
18 conditional employee comes into contact with a resident of the
19 facility. If the department of human services determines that
20 prohibition of employment is warranted, pursuant to subsection
21 4, conditional employment shall immediately be terminated and
22 the person shall no longer be employed by the facility.

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EXPLANATION

24 This bill provides that a health care facility may employ a
25 person on a conditional basis pending the outcome of
26 background checks and subsequent evaluation regarding whether
27 prohibition of employment is warranted. Code section 135C.33
28 currently provides for a background investigation by the
29 department of public safety regarding a criminal and dependent
30 adult abuse record, and a child abuse record, check by the
31 department of human services, prior to employment of a person
32 by a health care facility. If the record checks reveal a
33 conviction for a crime, or record of founded dependent adult
34 or child abuse, the department of human services evaluates
35 whether prohibition of employment is warranted. The bill

1 would permit a facility to employ a person who signs a written
2 acknowledgment of receipt of information regarding the
3 performance of the background checks, and that employment
4 would be on a conditional basis pending the outcome of the
5 checks, to be conditionally employed in advance of, and
6 during, the checks and evaluation.

7 The bill provides that a facility employing a person on a
8 conditional basis must provide direct supervision of the
9 conditional employee by a full-time staff member at all times
10 during which the conditional employee comes into contact with
11 a resident of the facility. The bill additionally provides
12 that if the department of human services determines that
13 prohibition of employment is warranted, the conditional
14 employment would immediately terminate.

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