

Boettger
Vanstran
Harper

SSB-1156
Human Resources

SENATE FILE SF/HF 304
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON BOETTGER)

Passed Senate, Date _____ Passed House, 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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1 Section 1. Section 135C.33, Code 1999, is amended by
2 adding 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, or an evaluation by the department of human
7 services, and after having obtained from a prospective
8 employee a signed acknowledgment of receipt of information
9 regarding the performance of the background checks, a facility
10 may hire a prospective employee on a conditional basis. An
11 offer of conditional employment shall be extended only after
12 the prospective employee has been informed by a facility, and
13 acknowledged in writing, that the nature of the employment
14 shall be conditional pending the outcome of the background
15 checks, and evaluation pursuant to subsection 3 if applicable.
16 A facility employing a person on a conditional basis shall
17 provide direct supervision of the conditional employee at all
18 times during which the conditional employee comes into contact
19 with a resident of the facility. If the department of human
20 services determines that prohibition of employment is
21 warranted, pursuant to subsection 4, conditional employment
22 shall immediately be terminated and the person shall no longer
23 be employed by the facility.

24 EXPLANATION

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

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

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

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REPRINTED

FILED MAR 3 1999

SENATE FILE 304
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 1156)

(P.744)
Passed Senate, Date 3/23/99 Passed House, Date _____
Vote: Ayes 40 Nays 6 Vote: Ayes _____ Nays _____
Approved _____

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SF 304

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SENATE FILE 304

S-3124

1 Amend Senate File 304 as follows:

2 1. Page 1, by striking line 3 and inserting the
3 following:

4 "NEW SUBSECTION. 7. a. After the request for,
5 and during the performance of,".

6 2. Page 1, by inserting after line 23 the
7 following:

8 "b. A period of conditional employment, during
9 which a prospective employee is hired on a conditional
10 basis pursuant to paragraph "a", shall not exceed
11 thirty days in length. An individual who has been
12 convicted of a felony crime against a person, assault,
13 or dependent adult abuse shall not be eligible to be
14 hired on a conditional basis. Conditionally hired
15 employees shall not be scheduled for work, or be
16 assigned or perform job responsibilities, between the
17 hours of eight p.m. and six a.m. daily."

By NANCY BOETTGER
MATT MccOY

S-3124 FILED MARCH 23, 1999
ADOPTED

(p. 243)

SENATE FILE 304

S-3118

1 Amend Senate File 304 as follows:
2 1. Page 1, line 3, by inserting after the figure
3 "7." the following: "a."
4 2. Page 1, by inserting after line 23 the
5 following:
6 "b. A period of conditional employment, during
7 which a prospective employee is hired on a conditional
8 basis pursuant to paragraph "a", shall not exceed
9 thirty days in length. An individual who has been
10 convicted of a felony, a crime against a person,
11 assault, or dependent adult abuse shall not be
12 eligible to be hired on a conditional basis."

By NANCY BOETTGER
MATT McCOY

S-3118 FILED MARCH 23, 1999
WITHDRAWN

(p.743)

SENATE FILE 304

S-3122

1 Amend the amendment, S-3118, to Senate File 304, as
2 follows:
3 1. Page 1, line 12, by inserting after the word
4 "basis." the following: "Conditionally hired
5 employees shall not be scheduled for work, or be
6 assigned or perform job responsibilities, between the
7 hours of eight p.m. and six a.m. daily."

By NANCY BOETTGER
MATT McCOY

S-3122 FILED MARCH 23, 1999
WITHDRAWN

(p.743)

SENATE FILE 304

S-3117

1 Amend Senate File 304 as follows:
2 1. Page 1, by striking line 3 and inserting the
3 following:
4 "NEW SUBSECTION. 7. After the request for, and
5 during the performance of,".

By NANCY BOETTGER

S-3117 FILED MARCH 23, 1999
WITHDRAWN

(p.743)

SENATE FILE 304
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 1156)

(AS AMENDED AND PASSED BY THE SENATE MARCH 23, 1999)

_____ - New Language by the Senate

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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S.F. 304

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15 outcome of the background checks, and evaluation pursuant to
16 subsection 3 if applicable. A facility employing a person on
17 a conditional basis shall provide direct supervision of the
18 conditional employee at all times during which the conditional
19 employee comes into contact with a resident of the facility.
20 If the department of human services determines that
21 prohibition of employment is warranted, pursuant to subsection
22 4, conditional employment shall immediately be terminated and
23 the person shall no longer be employed by the facility.

24 b. A period of conditional employment, during which a
25 prospective employee is hired on a conditional basis pursuant
26 to paragraph "a", shall not exceed thirty days in length. An
27 individual who has been convicted of a felony crime against a
28 person, assault, or dependent adult abuse shall not be
29 eligible to be hired on a conditional basis. Conditionally
30 hired employees shall not be scheduled for work, or be
31 assigned or perform job responsibilities, between the hours of
32 eight p.m. and six a.m. daily.

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