

Senate Study Bill 1156

Bill Text

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1 1 Section 1. Section [135C.33](#), Code 1999, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 7. Prior to and during the performance of
1 4 a criminal and dependent adult abuse, and child abuse, record
1 5 check by the departments of public safety and human services,
1 6 respectively, or an evaluation by the department of human
1 7 services, and after having obtained from a prospective
1 8 employee a signed acknowledgment of receipt of information
1 9 regarding the performance of the background checks, a facility
1 10 may hire a prospective employee on a conditional basis. An
1 11 offer of conditional employment shall be extended only after
1 12 the prospective employee has been informed by a facility, and
1 13 acknowledged in writing, that the nature of the employment
1 14 shall be conditional pending the outcome of the background
1 15 checks, and evaluation pursuant to subsection 3 if applicable.
1 16 A facility employing a person on a conditional basis shall
1 17 provide direct supervision of the conditional employee at all
1 18 times during which the conditional employee comes into contact
1 19 with a resident of the facility. If the department of human
1 20 services determines that prohibition of employment is
1 21 warranted, pursuant to subsection 4, conditional employment
1 22 shall immediately be terminated and the person shall no longer
1 23 be employed by the facility.

1 24 EXPLANATION

1 25 This bill provides that a health care facility may employ a
1 26 person on a conditional basis pending the outcome of
1 27 background checks and an evaluation regarding whether
1 28 prohibition of employment is warranted. Code section 135C.33
1 29 currently provides for a background investigation by the
1 30 department of public safety regarding a criminal and dependent
1 31 adult abuse record, and a child abuse record, check by the
1 32 department of human services, prior to employment of a person
1 33 by a health care facility. If the record checks reveal a
1 34 conviction for a crime, or record of founded dependent adult
1 35 or child abuse, the department of human services evaluates
2 1 whether prohibition of employment is warranted. The bill
2 2 would permit a facility to employ a person who signs a written
2 3 acknowledgment of receipt of information regarding the
2 4 performance of the background checks, and that employment
2 5 would be on a conditional basis pending the outcome of the
2 6 checks, to be conditionally employed in advance of, and
2 7 during, the checks and evaluation.

2 8 The bill provides that a facility employing a person on a
2 9 conditional basis must provide direct supervision of the
2 10 conditional employee at all times during which the conditional
2 11 employee comes into contact with a resident of the facility.
2 12 The bill additionally provides that if the department of human
2 13 services determines that prohibition of employment is
2 14 warranted, the conditional employment would immediately
2 15 terminate.

2 16 LSB 2127XC 78

2 17 rn/cf/24.1