

# House Study Bill 656

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
PUBLIC HEALTH/BOARD OF  
NURSING BILL)

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

## A BILL FOR

1 An Act authorizing an approved nursing education program to  
2 initiate criminal and child and dependent adult abuse record  
3 checks of students and prospective students regarding the  
4 students' involvement with the clinical education component of  
5 the program.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
7 TLSB 5347DP 81  
8 jp/je/5

PAG LIN

1 1 Section 1. Section 152.5, Code 2005, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 3. a. For the purposes of this  
1 4 subsection:  
1 5 (1) "Nursing program" means a nursing program that is  
1 6 approved by the board pursuant to subsection 1 or 2.  
1 7 (2) "Student" means a person applying for, enrolled in, or  
1 8 returning to the clinical education component of a nursing  
1 9 program.  
1 10 b. A nursing program may access the single contact  
1 11 repository established pursuant to section 135C.33 as  
1 12 necessary for the nursing program to initiate record checks of  
1 13 students.  
1 14 c. A nursing program shall request that the department of  
1 15 public safety perform a criminal history check and the  
1 16 department of human services perform child and dependent adult  
1 17 abuse record checks in this state on the nursing program's  
1 18 students.  
1 19 d. If a student has a criminal record or a record of  
1 20 founded child or dependent adult abuse, upon request of the  
1 21 nursing program, the department of human services shall  
1 22 perform an evaluation to determine whether the record warrants  
1 23 prohibition of the person's involvement in a clinical  
1 24 education component of a nursing program involving children or  
1 25 dependent adults. The department of human services shall  
1 26 utilize the criteria provided in section 135C.33 in performing  
1 27 the evaluation and shall report the results of the evaluation  
1 28 to the nursing program. The department of human services has  
1 29 final authority in determining whether prohibition of the  
1 30 person's involvement in a clinical education component is  
1 31 warranted.  
1 32 Sec. 2. Section 235A.15, subsection 2, paragraph c, Code  
1 33 Supplement 2005, is amended by adding the following new  
1 34 subparagraph:  
1 35 NEW SUBPARAGRAPH. (14) A nursing program that is approved  
2 1 by the state board of nursing under section 152.5, if the data  
2 2 relates to a record check performed pursuant to section 152.5.  
2 3 Sec. 3. Section 235B.6, subsection 2, paragraph e, Code  
2 4 Supplement 2005, is amended by adding the following new  
2 5 subparagraph:  
2 6 NEW SUBPARAGRAPH. (12) A nursing program that is approved  
2 7 by the state board of nursing under section 152.5, if the  
2 8 information relates to a record check performed pursuant to  
2 9 section 152.5.

### EXPLANATION

2 10 This bill authorizes an approved nursing education program  
2 11 to initiate criminal and child and dependent adult abuse  
2 12 record checks of students and prospective students involving  
2 13 the clinical education component of the program.  
2 14 Code sections 235A.15 and 235B.6, relating to access to the

2 16 registries for child abuse and dependent adult abuse  
2 17 maintained by the department of human services, are amended to  
2 18 allow the nursing education programs approved by the board of  
2 19 nursing to initiate checks in those registries on the students  
2 20 applying for, enrolled in, or returning to the clinical  
2 21 education component of the nursing programs.  
2 22 Code section 152.5, relating to approval of nursing  
2 23 education programs by the board of nursing, is amended to  
2 24 allow the programs to access the single contact registry to  
2 25 request that the department of public safety perform criminal  
2 26 record checks and the department of human services perform  
2 27 child and dependent adult abuse record checks on such  
2 28 students. If a student has a criminal record or a record of  
2 29 founded child or dependent adult abuse, the program may  
2 30 request that the department of human services perform an  
2 31 evaluation to determine whether the record warrants  
2 32 prohibition of the person's involvement in a clinical  
2 33 education component of a nursing program involving children or  
2 34 dependent adults.  
2 35 The evaluation is required to utilize the criteria provided  
3 1 in Code section 135C.33, and the department is required to  
3 2 report the results to the nursing program. That criteria  
3 3 considers the nature and seriousness of the crime or founded  
3 4 child or dependent adult abuse in relation to the position  
3 5 sought or held, the time elapsed since the commission of the  
3 6 crime or founded child or dependent adult abuse, the  
3 7 circumstances under which the crime or founded child or  
3 8 dependent adult abuse was committed, the degree of  
3 9 rehabilitation, the likelihood that the person will commit the  
3 10 crime or founded child or dependent adult abuse again, and the  
3 11 number of crimes or founded child or dependent adult abuses  
3 12 committed by the person involved. The department has final  
3 13 authority in determining whether prohibition of the person's  
3 14 involvement in a clinical education component of a nursing  
3 15 program involving children or dependent adults is warranted.  
3 16 LSB 5347DP 81  
3 17 jp:rj/je/5.1