

Senate Study Bill 3111 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON RAGAN)

A BILL FOR

1 An Act relating to department of human services' evaluations
2 of criminal or abuse records of employees of health care
3 facilities.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 135C.33, subsection 4, paragraph b, Code
2 2011, is amended to read as follows:

3 b. A person with a criminal or abuse record who is or
4 was employed by a facility licensed under this chapter and
5 is hired by another licensee ~~without a lapse in employment~~
6 shall be subject to the criminal history and abuse record
7 checks required pursuant to subsection 1. If an evaluation
8 was previously performed by the department of human services
9 concerning the person's criminal or abuse record and it was
10 determined that the record did not warrant prohibition of
11 the person's employment and the latest record checks do not
12 indicate a crime was committed or founded abuse record was
13 entered subsequent to that evaluation, the person may commence
14 employment with the other licensee while in accordance with
15 the department of human services' evaluation ~~of the latest~~
16 ~~record checks is pending~~ and a reevaluation of the latest
17 record checks is not required. Otherwise, the requirements of
18 paragraph "a" remain applicable to the person's employment.

19 EXPLANATION

20 This bill relates to department of human services'
21 evaluations of criminal or abuse records of employees of health
22 care facilities.

23 Code section 135C.33, relating to child or dependent adult
24 abuse information and criminal record checks of a health care
25 facility and other service provider employees, allows a person
26 with a criminal or abuse record employed by a licensed health
27 care facility to be hired by another licensee without a lapse
28 in employment under certain circumstances. The provision
29 applies to health care facilities (nursing facilities,
30 residential care facilities, and intermediate care facilities
31 for persons with mental illness or mental retardation),
32 various in-home service providers, hospices, Medicaid waiver
33 service providers, elder group homes, and assisted living
34 programs. New criminal history and child and dependent abuse
35 record checks of the person are required. If the person was

1 previously evaluated by the department and it was determined
2 that the record did not warrant prohibition of the person's
3 employment and the latest record checks do not indicate a
4 crime was committed or a founded abuse record was entered
5 subsequent to that evaluation, the statute authorizes the
6 person to commence employment with the other licensee while the
7 department's evaluation of the latest record check is pending.

8 The bill maintains the requirement for new record checks,
9 removes the restriction for hiring without a lapse in
10 employment, and removes the requirement for the department to
11 repeat the evaluation if it was previously determined that the
12 record did not warrant prohibition of the person's employment
13 and the latest record checks do not indicate a crime was
14 committed or a founded abuse record was entered subsequent to
15 that evaluation.