

**House Study Bill 147 - Introduced**

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL BY  
CHAIRPERSON FRY)

**A BILL FOR**

1 An Act relating to background investigations of individuals  
2 employed through temporary staffing agencies with certain  
3 health care providers.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 135C.33, Code 2017, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 5A. *a.* This section shall also apply to an  
4 employee of a temporary staffing agency that provides staffing  
5 for a facility, service, program, or other provider regulated  
6 by this section if the employee provides direct services to  
7 consumers.

8 *b.* In substantial conformance with the provisions of this  
9 section, prior to the employment of such an employee, the  
10 temporary staffing agency shall request the performance of the  
11 criminal and child and dependent adult abuse record checks.  
12 The temporary staffing agency shall inform the prospective  
13 employee and obtain the prospective employee's signed  
14 acknowledgment. The department of human services shall perform  
15 the evaluation of any criminal record or founded child or  
16 dependent adult abuse record and shall make the determination  
17 of whether a prospective employee of a temporary staffing  
18 agency shall not be employed by the temporary staffing agency.

19 *c.* If a person employed by a temporary staffing agency that  
20 is subject to this section is convicted of a crime or has a  
21 record of founded child or dependent adult abuse entered in the  
22 abuse registry after the person's employment application date,  
23 the person shall inform the temporary staffing agency within  
24 forty-eight hours and the temporary staffing agency shall  
25 inform the facility, service, program, or other provider within  
26 two hours.

27 *d.* If a temporary staffing agency fails to comply with the  
28 requirements of this section, the temporary staffing agency  
29 shall be liable to the facility, service, program, or other  
30 provider for any actual damages, including civil penalties, and  
31 reasonable attorney fees.

32 EXPLANATION

33 The inclusion of this explanation does not constitute agreement with  
34 the explanation's substance by the members of the general assembly.

35 This bill relates to background investigations of employees

1 of temporary staffing agencies contracted with a health care  
2 facility, assisted living program, or other provider. The bill  
3 adds to Code section 135C.33, relating to child or dependent  
4 adult abuse information and criminal record checks for certain  
5 employees. The bill provides that such a temporary staffing  
6 agency shall conduct criminal and child and dependent adult  
7 abuse record checks on prospective employees. The department  
8 of human services shall perform an evaluation of any criminal  
9 record or founded child or dependent adult abuse record and  
10 make the determination of whether a prospective employee of  
11 a temporary staffing agency shall not be employed. The bill  
12 provides that if a person employed by the temporary staffing  
13 agency is convicted of a crime or has a record of founded  
14 child or dependent adult abuse entered in the abuse registry  
15 after the employment application date the person shall inform  
16 the temporary staffing agency within 48 hours and in turn  
17 the temporary staffing agency shall inform the health care  
18 facility, assisted living program, or other provider the person  
19 is contracted to work for within two hours of notification.

20 The bill provides that if a temporary staffing agency does  
21 not comply with the requirements, the temporary staffing agency  
22 shall be liable to the health care facility, assisted living  
23 program, or other provider for any actual damages, including  
24 civil penalties, and reasonable attorney fees that result from  
25 a failure to comply.