

**Senate Study Bill 3179 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL BY  
CHAIRPERSON SWEENEY)

**A BILL FOR**

1 An Act relating to background checks for employees and students  
2 of certain facilities, providers, programs, and agencies.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 135B.34, subsection 1, Code 2020, is  
2 amended to read as follows:

3 1. a. Prior to employment of a person in a hospital, the  
4 hospital shall ~~request~~ do one of the following:

5 (1) Request that the department of public safety perform  
6 a criminal history check and the department of human services  
7 perform child and dependent adult abuse record checks of the  
8 person in this state.

9 (2) Access the single contact repository to perform the  
10 required record checks.

11 b. (1) If a hospital accesses the single contact repository  
12 to perform the required record checks pursuant to paragraph  
13 "a", the hospital may utilize a third-party vendor to perform a  
14 comprehensive preliminary background check and provisionally  
15 employ a person being considered for employment pending  
16 completion of the required record checks through the single  
17 contact repository and the evaluation by the department of  
18 human services, as applicable, subject to all of the following:

19 (a) If the comprehensive preliminary background check  
20 determines that the person being considered for employment has  
21 been convicted of a crime, but the crime does not constitute a  
22 felony as defined in section 701.7 and is not a crime specified  
23 pursuant to chapter 708, 708A, 709, 709A, 710, 710A, 711, or  
24 712 or pursuant to section 726.3, 726.7, or 726.8.

25 (b) If the comprehensive preliminary background check  
26 determines the person being considered for employment does not  
27 have a record of founded child abuse or dependent adult abuse  
28 or if an exception pursuant to subsection 4 is applicable to  
29 the person.

30 (c) If the hospital has requested an evaluation in  
31 accordance with subsection 2, paragraph "a", to determine  
32 whether the crime warrants prohibition of the person's  
33 employment in the hospital.

34 (2) The provisional employment under this paragraph "b"  
35 may continue until such time as the required record checks

1 through the single contact repository and the evaluation by the  
2 department of human services, as applicable, are completed.

3 c. A hospital shall inform all persons prior to employment  
4 regarding the performance of the record checks and shall  
5 obtain, from the persons, a signed acknowledgment of the  
6 receipt of the information. A hospital shall include the  
7 following inquiry in an application for employment:

8 Do you have a record of founded child or dependent adult abuse  
9 or have you ever been convicted of a crime, in this state or any  
10 other state?

11 Sec. 2. Section 135B.34, subsection 4, paragraph a, Code  
12 2020, is amended to read as follows:

13 a. Except as provided in subsection 1, paragraph "b",  
14 subsection 2, and paragraph "b" and ~~subsection 2~~ of this  
15 subsection, a person who has committed a crime or has a record  
16 of founded child or dependent adult abuse shall not be employed  
17 in a hospital licensed under this chapter unless an evaluation  
18 has been performed by the department of human services.

19 Sec. 3. Section 135B.34, Code 2020, is amended by adding the  
20 following new subsection:

21 NEW SUBSECTION. 7. For the purposes of this subsection,  
22 "*comprehensive preliminary background check*" means the same as  
23 defined in section 135C.1.

24 Sec. 4. Section 135C.1, Code 2020, is amended by adding the  
25 following new subsection:

26 NEW SUBSECTION. 2A. "*Comprehensive preliminary background*  
27 *check*" includes a criminal history check of all states in which  
28 the applicant has worked or resided over the seven-year period  
29 immediately prior to submitting an application for employment  
30 that is conducted by a third-party vendor.

31 Sec. 5. Section 135C.33, Code 2020, is amended to read as  
32 follows:

33 **135C.33 Employees and certified nurse aide trainees — child**  
34 **or dependent adult abuse information and criminal record ~~checks~~**  
35 **check options — evaluations — application to other providers**

1 — penalty.

2 1. a. For the purposes of this section, the term “*crime*”  
3 does not include offenses under chapter 321 classified as a  
4 simple misdemeanor or equivalent simple misdemeanor offenses  
5 from another jurisdiction.

6 b. Prior to employment of a person in a facility or with a  
7 provider as specified in subsection 5, the facility or provider  
8 shall request do one of the following:

9 (1) Request that the department of public safety perform  
10 a criminal history check and the department of human services  
11 perform child and dependent adult abuse record checks of the  
12 person in this state.

13 (2) Access the single contact repository to perform the  
14 required record checks.

15 c. (1) If a facility or a provider as specified in  
16 subsection 5 accesses the single contact repository to perform  
17 the required record checks pursuant to paragraph “b”, the  
18 facility or provider may utilize a third-party vendor to  
19 perform a comprehensive preliminary background check and  
20 provisionally employ a person being considered for employment  
21 pending completion of the required record checks through the  
22 single contact repository and the evaluation by the department  
23 of human services, as applicable, subject to all of the  
24 following:

25 (a) If the comprehensive preliminary background check  
26 determines that the person being considered for employment has  
27 been convicted of a crime, but the crime does not constitute a  
28 felony as defined in section 701.7 and is not a crime specified  
29 pursuant to chapter 708, 708A, 709, 709A, 710, 710A, 711, or  
30 712, or pursuant to section 726.3, 726.7, or 726.8.

31 (b) If the comprehensive preliminary background check  
32 determines the person being considered for employment does not  
33 have a record of founded child abuse or dependent adult abuse  
34 or if an exception pursuant to subsection 4 is applicable to  
35 the person.

1     (c) If the facility or provider has requested an evaluation  
2 in accordance with subsection 2, paragraph "a", to determine  
3 whether the crime warrants prohibition of the person's  
4 employment in the facility or with the provider.

5     (2) The provisional employment under this paragraph "c"  
6 may continue until such time as the required record checks  
7 through the single contact repository and the evaluation by the  
8 department of human services, as applicable, are completed.

9     d. A facility or provider shall inform all persons prior  
10 to employment regarding the performance of the record checks  
11 and shall obtain, from the persons, a signed acknowledgment of  
12 the receipt of the information. A facility or provider shall  
13 include the following inquiry in an application for employment:  
14 Do you have a record of founded child or dependent adult abuse  
15 or have you ever been convicted of a crime other than a simple  
16 misdemeanor offense relating to motor vehicles and laws of the  
17 road under [chapter 321](#) or equivalent provisions, in this state  
18 or any other state?

19     2. a. If it is determined that a person being considered  
20 for employment in a facility or with a provider has been  
21 convicted of a crime under a law of any state, the department  
22 of public safety shall notify the licensee facility or provider  
23 that upon the request of the licensee facility or provider  
24 the department of human services will perform an evaluation  
25 to determine whether the crime warrants prohibition of the  
26 person's employment in the facility or with the provider.

27     b. (1) If a person being considered for employment, other  
28 than employment involving the operation of a motor vehicle, has  
29 been convicted of a crime listed in subparagraph (2) but does  
30 not have a record of founded child or dependent adult abuse and  
31 the licensee facility or provider has requested an evaluation  
32 in accordance with paragraph "a" to determine whether the crime  
33 warrants prohibition of the person's employment, the licensee  
34 facility or provider may employ the person for not more than  
35 sixty calendar days pending completion of the evaluation.

1 (2) Subparagraph (1) applies to a crime that is a simple  
2 misdemeanor offense under [section 123.47](#), and to a crime  
3 that is a first offense of operating a motor vehicle while  
4 intoxicated under [section 321J.2, subsection 1](#).

5 c. If a department of human services child or dependent  
6 adult abuse record check shows that such person has a record  
7 of founded child or dependent adult abuse, the department of  
8 human services shall notify the licensee facility or provider  
9 that upon the request of the licensee facility or provider the  
10 department of human services will perform an evaluation to  
11 determine whether the founded child or dependent adult abuse  
12 warrants prohibition of employment in the facility or with the  
13 provider.

14 d. An evaluation performed under [this subsection](#) shall  
15 be performed in accordance with procedures adopted for this  
16 purpose by the department of human services.

17 e. (1) If a person owns or operates more than one facility  
18 or a provider owns or operates more than one location, and  
19 an employee of one of such facilities or provider locations  
20 is transferred to another such facility or provider location  
21 without a lapse in employment, the facility or provider is not  
22 required to request additional criminal and child and dependent  
23 adult abuse record checks of that employee.

24 (2) If the ownership of a facility or provider is  
25 transferred, at the time of transfer the record checks required  
26 by [this section](#) shall be performed for each employee for whom  
27 there is no documentation that such record checks have been  
28 performed. The facility or provider may continue to employ  
29 such employee pending the performance of the record checks and  
30 any related evaluation.

31 3. In an evaluation, the department of human services  
32 shall consider the nature and seriousness of the crime  
33 or founded child or dependent adult abuse in relation to  
34 the position sought or held, the time elapsed since the  
35 commission of the crime or founded child or dependent adult

1 abuse, the circumstances under which the crime or founded  
2 child or dependent adult abuse was committed, the degree of  
3 rehabilitation, the likelihood that the person will commit  
4 the crime or founded child or dependent adult abuse again,  
5 and the number of crimes or founded child or dependent adult  
6 abuses committed by the person involved. If the department of  
7 human services performs an evaluation for the purposes of this  
8 section, the department of human services has final authority  
9 in determining whether prohibition of the person's employment  
10 is warranted.

11 4. a. Except as provided in subsection 1, paragraph  
12 "c", subsection 2, and paragraph "b" and ~~subsection 2~~ of this  
13 subsection, a person who has committed a crime or has a record  
14 of founded child or dependent adult abuse shall not be employed  
15 in a facility ~~licensed under this chapter~~ or with a provider  
16 unless an evaluation has been performed by the department of  
17 human services.

18 b. A person with a criminal or abuse record who is or was  
19 employed by a facility ~~licensed under this chapter~~ or provider  
20 and is hired by another ~~licensee~~ facility or provider shall  
21 be subject to the criminal history and abuse record checks  
22 required pursuant to subsection 1. However, if an evaluation  
23 was previously performed by the department of human services  
24 concerning the person's criminal or abuse record and it was  
25 determined that the record did not warrant prohibition of  
26 the person's employment and the latest record checks do not  
27 indicate a crime was committed or founded abuse record was  
28 entered subsequent to that evaluation, the person may commence  
29 employment with the other ~~licensee~~ facility or provider in  
30 accordance with the department of human services' evaluation  
31 and an exemption from the requirements in paragraph "a" for  
32 reevaluation of the latest record checks is authorized.  
33 Otherwise, the requirements of paragraph "a" remain applicable  
34 to the person's employment. Authorization of an exemption  
35 under this paragraph "b" from requirements for reevaluation of

1 the latest record checks by the department of human services is  
2 subject to all of the following provisions:

3 (1) The position with the subsequent employer is  
4 substantially the same or has the same job responsibilities as  
5 the position for which the previous evaluation was performed.

6 (2) Any restrictions placed on the person's employment in  
7 the previous evaluation by the department of human services  
8 shall remain applicable in the person's subsequent employment.

9 (3) The person subject to the record checks has maintained a  
10 copy of the previous evaluation and provides the evaluation to  
11 the subsequent employer or the previous employer provides the  
12 previous evaluation from the person's personnel file pursuant  
13 to the person's authorization. If a physical copy of the  
14 previous evaluation is not provided to the subsequent employer,  
15 the record checks shall be reevaluated.

16 (4) Although an exemption under this paragraph "b" may  
17 be authorized, the subsequent employer may instead request a  
18 reevaluation of the record checks and may employ the person  
19 while the reevaluation is being performed.

20 5. a. **This section** shall also apply to prospective  
21 employees of all of the following, if the provider is regulated  
22 by the state or receives any state or federal funding:

23 (1) An employee of a homemaker-home health aide, home care  
24 aide, adult day services, or other provider of in-home services  
25 if the employee provides direct services to consumers.

26 (2) An employee of a hospice, if the employee provides  
27 direct services to consumers.

28 (3) An employee who provides direct services to consumers  
29 under a federal home and community-based services waiver.

30 (4) An employee of an elder group home certified under  
31 chapter 231B, if the employee provides direct services to  
32 consumers.

33 (5) An employee of an assisted living program certified  
34 under **chapter 231C**, if the employee provides direct services  
35 to consumers.



1     *b.* In substantial conformance with the provisions of this  
2 section, including the provision authorizing provisional  
3 employment following completion of a comprehensive preliminary  
4 background check, prior to the employment of such an employee,  
5 the provider shall request the performance of the criminal  
6 and child and dependent adult abuse record checks. The  
7 provider shall inform the prospective employee and obtain the  
8 prospective employee's signed acknowledgment. The department  
9 of human services shall perform the evaluation of any criminal  
10 record or founded child or dependent adult abuse record and  
11 shall make the determination of whether a prospective employee  
12 of a provider shall not be employed by the provider.

13     6. *a.* This section shall also apply to an employee of  
14 a temporary staffing agency that provides staffing for a  
15 facility, service, program, or other provider regulated by this  
16 section if the employee provides direct services to consumers.

17     *b.* In substantial conformance with the provisions of this  
18 section, including the provision authorizing provisional  
19 employment following completion of a comprehensive preliminary  
20 background check, prior to the employment of such an employee,  
21 the temporary staffing agency shall request the performance  
22 of the criminal and child and dependent adult abuse record  
23 checks. The temporary staffing agency shall inform the  
24 prospective employee and obtain the prospective employee's  
25 signed acknowledgment. The department of human services shall  
26 perform the evaluation of any criminal record or founded  
27 child or dependent adult abuse record and shall make the  
28 determination of whether a prospective employee of a temporary  
29 staffing agency shall not be employed by the assisted living  
30 program as defined in [section 231C.2](#), the Medicare certified  
31 home health agency, or the facility, service, program, or other  
32 provider regulated by [this section](#).

33     *c.* If a person employed by a temporary staffing agency that  
34 is subject to [this section](#) is convicted of a crime or has a  
35 record of founded child or dependent adult abuse entered in the

1 abuse registry after the person's employment application date,  
2 the person shall inform the temporary staffing agency within  
3 forty-eight hours and the temporary staffing agency shall  
4 inform the facility, service, program, or other provider within  
5 two hours.

6 *d.* If a temporary staffing agency fails to comply with the  
7 requirements of [this section](#), the temporary staffing agency  
8 shall be liable to the facility, service, program, or other  
9 provider for any actual damages, including civil penalties, and  
10 reasonable attorney fees.

11 *e.* [This section](#) shall not apply to employees employed by a  
12 temporary staffing agency for a position that does not provide  
13 direct services to consumers.

14 7. *a.* The department of inspections and appeals, in  
15 conjunction with other departments and agencies of state  
16 government involved with criminal history and abuse registry  
17 information, shall establish a single contact repository for  
18 facilities and other providers to have electronic access to  
19 data to perform background checks for purposes of employment,  
20 as required of the facilities and other providers under this  
21 section.

22 *b.* The department may access the single contact repository  
23 for any of the following purposes:

24 (1) To verify data transferred from the department's nurse  
25 aide registry to the repository.

26 (2) To conduct record checks of applicants for employment  
27 with the department.

28 8. *a.* If a person employed by a facility, service, or  
29 program employer that is subject to [this section](#) is convicted  
30 of a crime or has a record of founded child or dependent  
31 adult abuse entered in the abuse registry after the person's  
32 employment application date, the person shall inform the  
33 employer of such information within forty-eight hours of the  
34 criminal conviction or entry of the record of founded child or  
35 dependent adult abuse. The employer shall act to verify the

1 information within seven calendar days of notification. If the  
2 information is verified, the requirements of subsections 2, 3,  
3 and 4 regarding employability and evaluations shall be applied  
4 by the employer to determine whether or not the person's  
5 employment is continued. The employer may continue to employ  
6 the person pending the performance of an evaluation by the  
7 department of human services to determine whether prohibition  
8 of the person's employment is warranted. A person who is  
9 required by [this subsection](#) to inform the person's employer of  
10 a conviction or entry of an abuse record and fails to do so  
11 within the required period commits a serious misdemeanor.

12 *b.* If a facility, service, or program employer receives  
13 credible information, as determined by the employer, that a  
14 person employed by the employer has been convicted of a crime  
15 or a record of founded child or dependent adult abuse has been  
16 entered in the abuse registry after employment from a person  
17 other than the employee and the employee has not informed  
18 the employer of such information within the period required  
19 under paragraph "a", the employer shall act to verify the  
20 credible information within seven calendar days of receipt of  
21 the credible information. If the information is verified, the  
22 requirements of [subsections 2, 3, and 4](#) regarding employability  
23 and evaluations shall be applied to determine whether or not  
24 the person's employment is continued.

25 *c.* The employer may notify the county attorney for the  
26 county where the employer is located of any violation or  
27 failure by an employee to notify the employer of a criminal  
28 conviction or entry of an abuse record within the period  
29 required under paragraph "a".

30 9. *a.* For the purposes of [this subsection](#), unless the  
31 context otherwise requires:

32 (1) "*Certified nurse aide training program*" means a program  
33 approved in accordance with the rules for such programs adopted  
34 by the department of human services for the training of persons  
35 seeking to be a certified nurse aide for employment in any of

1 the facilities or programs this section applies to or in a  
2 hospital, as defined in section 135B.1.

3 (2) "Student" means a person applying for, enrolled in, or  
4 returning to a certified nurse aide training program.

5 b. (1) Prior to a student beginning or returning to a  
6 certified nurse aide training program, the program shall  
7 request do one of the following:

8 (a) Request that the department of public safety perform  
9 a criminal history check and the department of human services  
10 perform child and dependent adult abuse record checks, in this  
11 state, of the student. ~~The program may access~~

12 (b) Access the single contact repository established  
13 ~~pursuant to this section as necessary for the program to~~  
14 initiate perform the required record checks.

15 (2) If a program accesses the single contact repository to  
16 perform the required record checks pursuant to subparagraph  
17 (1), the program may utilize a third-party vendor to perform a  
18 comprehensive preliminary background check to allow a person  
19 to provisionally participate in the clinical component of the  
20 certified nurse aide training program pending completion of the  
21 required record checks through the single contact repository  
22 and the evaluation by the department of human services, as  
23 applicable, subject to all of the following:

24 (a) If the comprehensive preliminary background check  
25 determines that the person being considered for provisional  
26 participation has been convicted of a crime but the crime does  
27 not constitute a felony as defined in section 701.7 and is not  
28 a crime specified pursuant to chapter 708, 708A, 709, 709A,  
29 710, 710A, 711, or 712, or pursuant to section 726.3, 726.7, or  
30 726.8.

31 (b) If the comprehensive preliminary background check  
32 determines the person being considered for provisional  
33 participation does not have a record of founded child abuse or  
34 dependent adult abuse or if an exception pursuant to subsection  
35 4 is applicable to the person.

1     (c) If the program has requested an evaluation in accordance  
2 with subsection 2, paragraph "a", to determine whether the crime  
3 warrants prohibition of the person's provisional participation.

4     (d) The provisional participation under this subparagraph  
5 (2) may continue until such time as the required record checks  
6 through the single contact repository and the evaluation by the  
7 department of human services, as applicable, are completed.

8     *c.* If a student has a criminal record or a record of  
9 founded child or dependent adult abuse, the student shall  
10 not be involved in a clinical education component of the  
11 certified nurse aide training program involving children or  
12 dependent adults unless an evaluation has been performed by the  
13 department of human services. Upon request of the certified  
14 nurse aide training program, the department of human services  
15 shall perform an evaluation to determine whether the record  
16 warrants prohibition of the student's involvement in a clinical  
17 education component of the certified nurse aide training  
18 program involving children or dependent adults. The evaluation  
19 shall be performed in accordance with the criteria specified in  
20 subsection 3, and the department of human services shall report  
21 the results of the evaluation to the certified nurse aide  
22 training program. The department of human services has final  
23 authority in determining whether prohibition of the student's  
24 involvement in the clinical education component is warranted.

25     *d.* (1) If a student's clinical education component of the  
26 training program involves children or dependent adults but  
27 does not involve operation of a motor vehicle, and the student  
28 has been convicted of a crime listed in subparagraph (2), but  
29 does not have a record of founded child or dependent adult  
30 abuse, and the training program has requested an evaluation in  
31 accordance with paragraph "c" to determine whether the crime  
32 warrants prohibition of the student's involvement in such  
33 clinical education component, the training program may allow  
34 the student's participation in the component for not more than  
35 sixty days pending completion of the evaluation.

1 (2) Subparagraph (1) applies to a crime that is a simple  
2 misdemeanor offense under [section 123.47](#), and to a crime  
3 that is a first offense of operating a motor vehicle while  
4 intoxicated under [section 321J.2, subsection 1](#).

5 e. (1) If a student is convicted of a crime or has a  
6 record of founded child or dependent adult abuse entered in the  
7 abuse registry after the record checks and any evaluation have  
8 been performed, the student shall inform the certified nurse  
9 aide training program of such information within forty-eight  
10 hours of the criminal conviction or entry of the record of  
11 founded child or dependent adult abuse. The program shall  
12 act to verify the information within seven calendar days of  
13 notification. If the information is verified, the requirements  
14 of paragraph "c" shall be applied by the program to determine  
15 whether or not the student's involvement in a clinical  
16 education component may continue. The program may allow the  
17 student involvement to continue pending the performance of an  
18 evaluation by the department of human services. A student  
19 who is required by this subparagraph to inform the program of  
20 a conviction or entry of an abuse record and fails to do so  
21 within the required period commits a serious misdemeanor.

22 (2) If a program receives credible information, as  
23 determined by the program, that a student has been convicted  
24 of a crime or a record of founded child or dependent adult  
25 abuse has been entered in the abuse registry after the record  
26 checks and any evaluation have been performed, from a person  
27 other than the student and the student has not informed the  
28 program of such information within the period required under  
29 subparagraph (1), the program shall act to verify the credible  
30 information within seven calendar days of receipt of the  
31 credible information. If the information is verified, the  
32 requirements of paragraph "c" shall be applied to determine  
33 whether or not the student's involvement in a clinical  
34 education component may continue.

35 (3) The program may notify the county attorney for the

1 county where the program is located of any violation or failure  
2 by a student to notify the program of a criminal conviction  
3 or entry of an abuse record within the period required under  
4 subparagraph (1).

5 *f.* If a certified nurse aide training program is conducted  
6 by a health care facility and a student of that program  
7 subsequently accepts and begins employment with the facility  
8 within thirty days of completing the program, the criminal  
9 history and abuse registry checks of the student performed  
10 pursuant to this subsection shall be deemed to fulfill the  
11 requirements for such checks prior to employment pursuant to  
12 subsection 1.

13 Sec. 6. Section 152.5A, Code 2020, is amended to read as  
14 follows:

15 **152.5A Student record checks.**

16 1. For the purposes of [this section](#):

17 *a.* "Comprehensive preliminary background check" means the  
18 same as defined in [section 135C.1](#).

19 ~~*a.*~~ *b.* "Nursing program" means a nursing program that is  
20 approved by the board pursuant to [section 152.5](#).

21 ~~*b.*~~ *c.* "Student" means a person applying for, enrolled in,  
22 or returning to the clinical education component of a nursing  
23 program.

24 2. A Prior to a student beginning or returning to a nursing  
25 program, the nursing program may access the single contact  
26 repository established pursuant to ~~section 135C.33~~ as necessary  
27 for the nursing program to initiate record checks of students.

28 ~~3.~~ A nursing program shall request shall do one of the  
29 following in substantial conformance with the provisions of  
30 section 135C.33:

31 *a.* Request that the department of public safety perform a  
32 criminal history check and the department of human services  
33 perform child and dependent adult abuse record checks of the  
34 student in this state on the nursing program's students.

35 *b.* Access the single contact repository to perform the

1 required record checks.

2 3. a. If a program accesses the single contact repository  
3 to perform the required record checks pursuant to subsection  
4 2, the program may utilize a third-party vendor to perform  
5 a comprehensive preliminary background check to allow a  
6 student to provisionally participate in the clinical education  
7 component of the nursing program pending completion of the  
8 required record checks through the single contact repository  
9 and the evaluation by the department of human services, as  
10 applicable, subject to all of the following:

11 (1) If the comprehensive preliminary background check  
12 determines that the student being considered for provisional  
13 participation has been convicted of a crime, but the crime does  
14 not constitute a felony as defined in section 701.7 and is not  
15 a crime specified pursuant to chapter 708, 708A, 709, 709A,  
16 710, 710A, 711, or 712 or pursuant to section 726.3, 726.7, or  
17 726.8.

18 (2) If the comprehensive preliminary background check  
19 determines the student being considered for provisional  
20 participation does not have a record of founded child abuse or  
21 dependent adult abuse, or if an exception pursuant to section  
22 135C.33, subsection 4, is applicable to the student.

23 (3) If the program has requested an evaluation in accordance  
24 with section 135C.33, subsection 2, paragraph "a", to determine  
25 whether the crime warrants prohibition of the student's  
26 provisional participation.

27 b. The provisional participation under this subsection  
28 3 may continue until such time as the required record checks  
29 through the single contact repository and the evaluation by the  
30 department of human services, as applicable, are completed.

31 4. If a student has a criminal record or a record of  
32 founded child or dependent adult abuse, upon request of  
33 the nursing program, the department of human services shall  
34 perform an evaluation to determine whether the record warrants  
35 prohibition of the ~~person's~~ student's involvement in a clinical





S.F. \_\_\_\_\_

1 aides, and other providers of in-home services, adult day  
2 services, hospices, home and community-based services waiver  
3 providers, elder group homes, assisted living programs,  
4 certified nurse aide training programs, and nursing programs.