

SESSION OF 2010

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2323

As Amended by Senate Committee on
Public Health and Welfare

Brief*

HB 2323, as amended by the House Committee on Aging and Long Term Care, would amend current law concerning providers of care services. The bill would make the following amendments concerning background checks of job applicants for adult care homes or home health agencies:

- Add “crimes against property” to the list of offenses an applicant could be convicted of and still be employed by the home or agency as long as five or more years have elapsed since the applicant satisfied the terms of the sentence imposed;
- Expand the definition of criminal history record information from the current “felony convictions” to that of “any criminal history information”;
- Allow the operator of a home or an agency to request criminal history information from the Department of Health and Environment for persons who are licensed or registered by the state to offer the professional services being providing in the home or agency or for persons who are involved in volunteer activities for the home or agency; and
- Exempt persons who are currently employed by a home or an agency from the “crimes against property” employment requirement if five or more years have elapsed since the terms of the sentence were satisfied, as long as the

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

person is continuously employed by the same home or agency.

Additionally, the bill would require the Kansas Bureau of Investigation to provide “any criminal history information” to the Secretary of Health and Environment when a background check is requested for an adult care home applicant.

Background

The bill was introduced by the Aging and Long-Term Care Committee at the request of Representative Bob Bethell. Proponents of the bill included the Chief Legal Counsel from the Kansas Department on Aging; the Director of Health Occupation Credentialing from the Kansas Department of Health and Environment, and the President of the Kansas Association of Homes and Services for the Aging. Written testimony was provided by the CEO of the Kansas Health Care Association/Kansas Center for Assisted Living and a private citizen. Testimony presented by the Chief Counsel from Department on Aging stated that under current statutes, only non-licensed staff are required to have background checks and this option will allow adult care home and home health agency management additional information when making hiring decisions. The testimony provided to the Committee from the Director of Health Occupation Credentialing stated that adding theft to the list of prohibiting convictions is a recommendation of the Governor’s Council on Abuse, Neglect and Exploitation, which issued its final report in 2007.

There were no opponents to the bill.

The Committee amended the title of the bill and made additional technical amendments to the bill.

The Senate Committee on Public Health and Welfare recommended a technical amendment to the bill to incorporate the 2009 Supplements for KSA 39-970 and 65-5117.

The fiscal note prepared by the Division of the Budget states that the Kansas Department of Health and Environment indicated that the bill would increase the workload for agency legal staff; however, the increase could be absorbed within existing resources. The Kansas Department on Aging indicated that the bill would have no fiscal effect on the agency. The Kansas Bureau of Investigation would conduct the criminal record checks at the request of the Department of Health and Environment and adult care homes and home health agencies and the cost of the checks would be collected by the Department and would be paid to the Kansas Bureau of Investigation.