

KANSAS OFFICE of
REVISOR of STATUTES

LEGISLATURE of THE STATE of KANSAS
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MEMORANDUM

To: House Committee on Federal and State Affairs
From: Scott Abbott, Assistant Revisor of Statutes
Date: May 16, 2017
Re: House Bill No. 2427

House Bill No. 2427 would amend current law governing licensure, employment and background checks for applicants for employment at adult care homes. The bill would establish definitions and standardize a number of terms currently used throughout the adult care home licensure statute.

Provisions relating to offenses that disqualify an individual from employment at an adult care home have been amended in three ways: First, language currently referring to persons who have been convicted or adjudicated as a juvenile offender is broadened to refer to any person with “adverse findings on any state or national registry” to be defined by the Secretary for Aging and Disability Services in rules and regulations. Second, the bill would allow a person who has been disqualified from employment at an adult care home to apply for a waiver after a specified time has elapsed based on the specific disqualifying offense. Third, a number of new disqualifying offenses would be added in subsection (b)(3), pages 4–5, to any new applicant for employment at an adult care home.

Pages 6–10 of the bill would update provisions relating to criminal history record checks. Current law provides that the Secretary for Aging and Disability Services shall have access to criminal history record information in possession of the Kansas Bureau of Investigation. The bill would amend the criminal history record check process to require the KBI to release criminal history record information for employees of adult care homes to the Secretary. The bill would direct the Secretary to require all applicants for employment at an adult care home to submit to fingerprinting to conduct a state and national criminal history record check and establishes requirements for state and local law enforcement officers to assist with such fingerprinting and for applicants to dispute the results of a criminal history record check. The bill would also direct the Secretary to return a pass or fail determination to any employer submitting fingerprints for an applicant’s criminal history record information, rather than the current requirement to return the contents of the criminal history record information.

Subsection (k) of the bill permits the Secretary for Aging and Disability Services to establish, by rules and regulations, fees for criminal history record checks.

Subsection (l) would permit the Secretary to implement the provisions of the bill in phases for different categories of adult care home employers.

Subsection (m) of the bill would permit the Secretary to provide the bill's process for obtaining criminal history record information to other state agencies, and would permit the Secretary to charge those agencies a fee of \$1 per request.

If enacted, the bill would take effect upon publication in the statute book, July 1, 2017.