

House Committee on Children and Seniors

February 21, 2019

HB 2343 - Opposed

Madam Chairman and Committee Members. I am Linda MowBray, Vice-President of the Kansas Health Care Association and Kansas Center for Assisted Living. We are a trade Association representing for-profit and not-for-profit nursing homes, assisted living, residential health care, home plus, and nursing facilities for mental health across the state. We are the oldest nursing home trade association in Kansas and have over 265 member communities. Our members care for nearly 20,000 elders across the state each and every day.

As far back a 2012 with HB 2738, the issue of fingerprinting potential employees who work with dependent adults has been discussed. For at least five years, meeting after meeting with the Attorney General's office, stakeholders, advocates and the licensing agencies have taken place to assure that legislation on national background checks including fingerprinting, would be crafted in a way that protected Kansans, leveraged technology, utilized federal grant monies, protected providers and was the least disruptive in on-boarding prospective employees to the healthcare workforce. Last year, at the end of the 2018 legislative session, such a bill was passed and signed into law. This piece of legislation represented years of work and compromise.

There are many moving parts to this complex national background check bill. Agency staff have been working with the KBI and others to put systems into place so that fingerprinting could be done affordably and access to printing stations would not be prohibitive to employees.

There are two issue at hand with HB 2343:

1. The use of employees who are hired on a provisional basis (up to 60 days) and work under supervision of qualified staff while all of their back ground check information comes back to the agency and to the provide;
2. A 20 day grace period for employees to have their finger prints submitted for processing. HB 2343 looks to make radical changes to the program before the final processes have ever been put into place. HB 2343 removes the 20 day grace period to submit fingerprints and removes the ability of the health care provider to hire individuals on a 60 day provisional basis.

Five years of work - tossed away.

Healthcare providers are struggling to find workers like no other time in recent memory. It is vital that providers continue to be able to check the HOC prohibited offender website and if cleared, hire a prospective employee who, while waiting for the full background check, will work under supervision of qualified staff. This is the current practice. While keeping the bad actors out being able to offer employment to qualified applicants is paramount. To not have this tool is to likely lose this potential employee to a fast food or retail job.

Passage of the 2018 bill allowed vital federal grant dollars to be brought into the state to defer some of the additional costs of a national background check. Employers will be paying up to \$19 instead of \$10 for the inclusion of the national background check information but this amount could have been as high as \$47 without the grant monies. Additionally, there is a fingerprinting collection fee that either the employee or employer will have to pay. The amount of that fee has yet to be determined.

Providing 20 days before the fingerprint collection has to be completed allows for 2 things:

1. An employee would have the opportunity to secure one paycheck before having to pay for the fingerprinting;
2. Fingerprinting stations may not be readily accessible due to distance or transportation issues. The 20 days would allow accommodations to be made by the employee to travel to a fingerprinting station.

While it is true that some providers have moved away from provisional hiring, many small providers have no choice. Once again, removing these provisions hurts the small and/or rural providers.

Finally, as stated before, we and many others spent five years working on the national background check/fingerprinting law that is currently on the books. Please, allow the new administration, the agency and other stakeholders to work out the final details and put systems into place before making changes.

Thank you and I will stand for questions at the appropriate time.