

SENATE BILL No. 425

By Senator Francisco

2-12

1 AN ACT concerning health and healthcare; relating to home and
2 community-based services; attendant care services; provisional
3 employment during completion of criminal history record check.
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. (a) Notwithstanding the provisions of K.S.A. 65-5101 et
7 seq., and amendments thereto, an individual in need of in-home care who
8 seeks to hire an individual to personally provide attendant care services in
9 accordance with K.S.A. 39-7,100(b)(2) and 65-1124(l), and amendments
10 thereto, may hire an applicant for provisional employment pending the
11 results of the state and national criminal history record check and permit
12 such applicant to begin employment if the following conditions are met:

13 (1) The applicant has already complied with the requirement to be
14 fingerprinted and to submit to a state and national criminal history record
15 check;

16 (2) the applicant may be hired for provisional employment on a one-
17 time basis for not more than 60 days pending the results of the state and
18 national criminal history record check; and

19 (3) the individual in need of in-home care has completed a waiver of
20 liability for damages resulting from the decision to provisionally employ
21 the applicant prior to the completion of the criminal history record check.
22 Such waiver form shall be prepared and provided by the department.

23 (b) The department may adopt rules and regulations to specify the
24 criteria and procedure for an individual in need of in-home care to
25 provisionally employ an applicant as provided for by this section.

26 (c) As used in this section, unless otherwise specified:

27 (1) "Attendant care services" means the basic and ancillary services
28 provided under home and community-based services waiver programs;

29 (2) "department" means the Kansas department for aging and
30 disability services; and

31 (3) "individual in need of in-home care" means any functionally
32 disabled individual in need of attendant care services because of an
33 impairment who requires assistance to complete functions of daily living,
34 self-care and mobility. "Individual in need of in-home care" does not
35 include an individual:

36 (A) With a developmental disability as defined in K.S.A. 39-1803,

1 and amendments thereto;

2 (B) under 18 years of age; or

3 (C) over 65 years of age.

4 Sec. 2. This act shall take effect and be in force from and after its

5 publication in the statute book.