



BILL & AMENDMENT SUMMARY

Temp Workers at Health Care Facilities – Background Checks HF 576

Status of Bill: House Calendar
Committee: Human Resources (passed Committee 20-0)
Lead Democrats: Rep. Mascher
Floor Manager: Rep. R. Taylor
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March 15, 2017

Summary

Current law requires employees and certified nurse aid trainees of health care facilities to pass criminal background checks. House File 576 expands this requirement to include employees of a temporary staffing agency that provides staffing for a facility, service, program, or other provider regulated by this section if the employee provides direct services to consumers.

In addition, prior to the employment of a prospective employee, the temporary staffing agency must request a criminal and child and dependent adult abuse record checks be performed, and the temporary staffing agency is required to inform the prospective employee and obtain the prospective employee's written approval. The Department of Human Services (DHS) must perform the evaluation of any criminal record or founded child or dependent adult abuse record and must make the determination whether a prospective employee of a temporary staffing agency cannot be employed by the temporary staffing agency.

If a person employed by a temporary staffing agency that is subject to a background check is convicted of a crime or has a record of founded child or dependent adult abuse listed on the abuse registry after the person began employment, then the person is required to inform the temporary staffing agency within 48 hours and the temporary staffing agency must inform the facility, service, program, or other provider within two hours. If a temporary staffing agency fails to do so, then the temporary staffing agency is liable to the facility, service, program, or other provider for any actual damages, including civil penalties, and reasonable attorney fees.

This new requirement does not apply to employees employed by a temporary staffing agency for a position that does not provide direct services to consumers.

Amendment

H-1199 by R. Taylor of Polk (R). The amendment strikes language relating to DHS making a determination if a temporary employee can be employed by a temporary staffing agency due that employee being listed on an abuse registry. The language is replaced to say that DHS will make the determination if the temporary employee will be allowed to work for an assisted living program; Medicare certified home health agency, or facility, service, program, or another provider that is subject to this provision.