

## House Concurrent Resolution No. 5003

By Representative Myers

1-10

---

A CONCURRENT RESOLUTION urging the Kansas Legislature to enact legislation to expand the prohibitions on employment in adult care homes and home health agencies and to expand the provisions for the criminal background check.

WHEREAS, K.S.A. 39-970 provides that a person may not be employed by an adult care home if such person has been convicted of committing a crime against another person listed in (a)(1) of that statute, however, such person may be employed in an adult care home if five or more years have elapsed since such person satisfied the sentence imposed even though such person was convicted of committing a crime against a person as enumerated in (a)(2) of that statute; and

WHEREAS, K.S.A. 2000 Supp. 65-5117 provides that a person may not be employed by a home health agency if such person has been convicted of committing a crime against another person listed in (a)(1) of that statute, however, such person may be employed by a home health agency if five or more years have elapsed since such person satisfied the sentence imposed even though such person was convicted of committing a crime against a person as enumerated in (a)(2) of that statute; and

WHEREAS, Both K.S.A. 39-970 and K.S.A. 2000 Supp. 65-5117 provide that the operator of an adult care home or home health agency is to request a background check on employees of the adult care home or home health agency from the Department of Health and Environment for determining whether such employee is subject to the provisions of either statute and the Department is to notify the operator if such person is in violation of the statutes; and

WHEREAS, House Bill 2700 of the 2000 legislative session would have amended K.S.A. 39-970 and K.S.A. 2000 Supp. 65-5117 by expanding the list of crimes to include attempt of one of the specified crimes in (a)(1) of both statutes, conspiracy to commit one of the crimes, and criminal solicitation to commit one of the crimes; 2000 House Bill 2700 also provided that the Secretary of Health and Environment was to provide a copy of the background check to the requestor, including the juvenile history; and

WHEREAS, Governor Graves vetoed 2000 House Bill 2700 because

1 the bill presented possible privacy violations; and  
2 WHEREAS, For the safety and welfare of those living in adult care  
3 homes or those living in home health agencies persons convicted of fel-  
4 onies should not be employed in adult care homes or home health agen-  
5 cies: Now, therefore,  
6 *Be it resolved by the House of Representatives of the State of Kansas,*  
7 *the Senate concurring therein:* That the Legislature of the State of Kansas  
8 expand the prohibitions on employment in adult care homes and home  
9 health agencies of persons having any criminal convictions or any adju-  
10 dications and expand the procedures used to obtain a written pass/fail  
11 statement based on the background check for persons employed by adult  
12 care homes or home health agencies.

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43