

MINUTES OF THE HOUSE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE.

The meeting was called to order by Chairperson Ward Loyd at 1:30 p.m. on March 6, 2003, in Room 526-S of the Capitol.

All members were present except:

- Representative Donald Betts, Jr. - excused
- Representative Nile Dillmore - excused
- Representative Lana Gordon - excused
- Representative Dale Swenson - excused

Committee staff present:

- Jill Wolters - Office of Revisor
- Mitch Rice - Office of Revisor
- Jerry Ann Donaldson - Legislative Research Department
- Bev Renner - Committee Secretary

Conferees appearing before the committee:

- Steve Irwin—Health Program Analyst, Health Occupations Credentialing-Kansas Department of Health and Environment (KDHE)
- Debra Zehr—Vice President, Kansas Association of Homes and Services for the Aging (written testimony)

SB 14 - Criteria for employment in adult care homes and by home health agencies.

Chairperson Loyd opened the hearing on SB 14.

Chairperson Loyd welcomed Steve Irwin, Health Program Analyst, Health Occupations Credentialing-KDHE who took no position on **SB 14 (Attachment 1)** and provided informational testimony. This bill would add theft to the list of crimes for which there are specific requirements concerning the release of criminal history to the operators of adult care homes and home health agencies. Any employees with convictions for certain criminal offenses are prohibited from employment in these agencies. In the 2001 legislative session, KDHE was required to provide the adult criminal history information received from the KBI within three business days following receipt. Juvenile criminal history is not released but notification is provided stating whether or not the individual is prohibited.

The committee was directed to written testimony in support of **SB 14** provided by Debra Zehr, Vice President of the Kansas Association of Homes and Services for the Aging (**Attachment 2**).

Chairperson Loyd closed the hearing on SB 14.

The meeting was adjourned at 1:45 p.m. The next scheduled meeting is March 10, 2003.

HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE GUEST LIST

DATE March 6, 2003

NAME	REPRESENTING
Steve Irwin	KDHE
Sarita Everett	KDHE
Megan Chalfant	Burgess and Associates
Rebecca Repick	Federico Consulting



K A N S A S

RODERICK L. BREMBY, SECRETARY

DEPARTMENT OF HEALTH AND ENVIRONMENT

KATHLEEN SEBELIUS, GOVERNOR

**Senate Bill No. 14
to the
House Corrections and Juvenile Justice Committee**

**Steve Irwin, Health Program Analyst, Health Occupations Credentialing
March 6, 2003**

Mr. Chairperson, I am pleased to appear before the House Corrections and Juvenile Justice Committee to discuss Senate Bill No. 14. This bill would add theft to the list of crimes for which there are specific requirements concerning the release of criminal history to the operators of adult care homes and home health agencies.

Since the beginning of fiscal year 1998, adult care homes and home health agencies have been required to perform criminal record checks on their non-licensed and non-registered employees. Any employees with convictions for certain criminal offenses are prohibited from employment in adult care homes and home health agencies. During the 2001 legislative session, additional changes were made to the criminal record check laws. In addition to expanding the list of offenses which prohibit employment, language was added which requires the Kansas Department of Health and Environment (KDHE) to provide to the operator of an adult care home or home health agency, the adult criminal history information KDHE receives from the Kansas Bureau of Investigation (KBI). This information must be provided within three business days following the receipt from KBI.

Since July 1, 2001, KDHE has been fulfilling the very requirements specified by this proposed legislation. KDHE currently provides the adult criminal history to the requesting adult care home or home health agency, along with notification as to whether or not the individual is prohibited from employment. Juvenile criminal history is not released, however, notification is provided stating whether or not the individual is prohibited. In addition, KDHE also provides notification when an individual has no criminal history on file.

This bill, as it is written, would not prohibit an individual with a conviction for theft from employment in an adult care home or home health agency. It also makes no changes to the current procedures for criminal record checks. The Kansas Department of Health and Environment has no position on this bill.

Thank you again for the opportunity to comment on this legislation. I would gladly respond to any questions you may have.

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H. Corr & J.J.

3-8-03

Attachment 1



KANSAS ASSOCIATION OF
HOMES AND SERVICES FOR THE AGING

Testimony in Support of Senate Bill 14

**To: Representative Loyd, Chair, and Members,
House Corrections and Juvenile Justice Committee**

From: Debra Zehr, Vice President

Date: March 6, 2003

Thank you Chairman Loyd, and Members of the Committee. The Kansas Association of Homes and Services for the Aging represents over 160 not-for-profit long-term care providers. Our goal is to assist our members to provide high quality, cost effective services for the elderly Kansans in their care.

We support Senate Bill 14, which requires that prospective employers of adult care homes and home health agencies be notified when an applicant has a non-felony theft conviction. It is in keeping with the 1997 Legislature's original intent to protect vulnerable persons who receive care and services through these providers. The Kansas Department of Health and Environment has interpreted the existing statute to permit the release of this information, and has, in fact, been providing notification of non-felony theft and other non-prohibitive convictions. This allows employers discretion to make employment decisions taking this information into account, as well reference checks, interview results, the nature of the position to be filled and other information.

Thank you. I would be pleased to answer any questions.

H. Corr & J. J.
3-6-03
Attachment 2