

Date: February 07, 2018

To: The Honorable John Barker, Chair, and Committee Members  
House Federal and State Affairs Committee

FROM: Ernest Kutzley, AARP Kansas

RE: HB 2427, Adult care home licensure and background check.

Good morning Chairman Barker and Committee Members. My name is Ernest Kutzley and I am the Advocacy Director for AARP Kansas. Thank you for accepting our written testimony in support of the concept of House Bill 2427 with balloon, which would allow fingerprinting based background check for persons working in adult care homes and prohibit Individuals who have been convicted of violent crimes, or crimes involving abuse or neglect of vulnerable individuals, from employment in long-term services and supports (LTSS) settings.

AARP is a nonprofit, nonpartisan organization with a more than 315,000 members living in Kansas. AARP is dedicated to enhancing the quality of life for all as we age. As a nonprofit, nonpartisan social welfare organization with a membership and offices in all 50 states, AARP's mission is to help people 50 and older have independence, choice and control in ways that are beneficial and affordable to them and society as a whole. We seek to help older Americans live long and healthy lives.

The care provided in LTSS settings is only as good as the personnel who provide it. Indeed, workforce challenges abound in the LTSS industry and need to be addressed swiftly if we are to respond to the growing need for high-quality care. Staff shortages, inadequate training, and an insufficient number of bilingual workers and workers sensitive to different cultures are all serious problems. So, too, are workers who have committed abuse or have criminal backgrounds.

We do believe that Kansas policymakers should require nationwide criminal background checks prior to employment on all workers who provide LTSS or who are employed in LTSS settings. Criminal background checks are necessary because no national registry of abusive workers exists – people who have a record of abuse or serious crimes in one

state can simply travel to another state to find work. They can also move from employment in nursing facilities to home health agencies or supportive housing without ever undergoing a criminal background check.

- Individuals who have been convicted of violent crimes or crimes involving abuse or neglect of vulnerable individuals should be prohibited from employment in LTSS settings.
- The national background checks should be affordable and conducted in a *timely manner, prior to employment*, and should include a fingerprint check.
- States should require that providers notify appropriate state licensing or registration boards of all employees convicted of a felony, resident abuse, or having knowledge of but failing to report abuse.
- After due process, the state board should consider suspending or revoking the employee's license, registration, or certification.

While we support the fingerprinting national background concept of this bill, we do have a concern about the definition of provisional employment.

Provisional Employment:

Background checking that includes fingerprinting should be done within a short time frame, especially in this day of technological advances. A rapid turnaround time should eliminate or significantly shorten the length of provisional employment. Existing provisional employment periods of up to 60 days would allow ample opportunity for malicious activity by a new employee should that be their intent. National background checks should be affordable and conducted in a timely manner prior to employment and should include a fingerprint check.

Although the federal government does not require criminal background checks of LTSS workers, increasing numbers of states do. Certain states that require statewide criminal background checks may also mandate a national background check under certain circumstances, such as when applicants have recently relocated from other states. Some states bar employment if certain offenses are found.

Thank you for your consideration of our comments.