

## **House Federal And State Affairs Committee**

Proponent Testimony for HB 2427

Brenda Dreher Director Health Occupations Credentialing KDADS

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Chairman Barker and members of the Committee:

HB 2427 amends the existing statute which requires criminal record checks on employees in adult care homes. The original bill was passed in 1997 and has changed very little since that time.

Currently, there are approximately 8,000 individuals working in the adult care homes licensed by KDADS who reside in a state that borders Kansas. Performing a name-based, Kansas only record check under the current statute requirements on any of these individuals is of little to no value. The National Background check would ensure that records of criminal events that occurred in other states would be available to be reviewed. Fingerprint-based background checks also ensure that potentially prohibited individuals cannot circumvent employment restrictions by changing their name or falsifying information.

In June of 2010, the Centers for Medicare and Medicaid Services (CMS) began accepting applications for grants for the purpose of providing funds to States to develop a structured system to identify efficient, effective, and economical procedures for adult care homes and providers to conduct National fingerprint-based background checks on potential direct access employees prior to employment.

The Kansas Department for Aging and Disability Services (KDADS) applied for a grant in 2015 and were awarded a grant amount of \$ 3,000,000. In addition to the monetary award, the grant also provides technical assistance. CMS' contractors worked with KDADS and the Kansas Bureau of Investigation (KBI) to assess the State's needs and develop a system. It is important to note that the assessment, development and building of the system is included as part of the

grant and is provided at no cost to the state. Without passing this legislation, the grant will expire June 30, 2018.

Shortly after the grant was awarded the Kansas Department of Health and Environment (KDHE) Child Care Licensing Program contacted KDADS to inquire about their usage of the system in order to meet federal requirements which become effective September 2017. Discussions began with KDHE, KDADS and the CMS contractors to assess KDHE's needs in late 2015. Much of the work on the system to meet KDHE's needs was able to be covered under the scope of the grant. However, other work required specifically by KDHE in order for the system to meet their needs is outside the scope of the contract and will be paid for by KDHE. The Department for Children and Families has also expressed interest in using the system.

The cost of the state and national background check is approximately \$47.00 per person. Language has been added to the bill to allow KDADS to utilize grant money to subsidize part of the \$47.00 cost so the actual cost to those facilities licensed by KDADS would be \$19.00. Through the use of a financial sustainability model developed by the contractors for CMS and other states, it is estimated that the national background check system can be self-sustaining as long as the user fees go back into the fund to subsidize the cost.

#### **Additions to K.S.A. 39-970**

- Specific language added in the bill is required by both the FBI and KBI in order to submit fingerprint- based record checks.
- Additional offenses.
- Addition of waiver process for prohibited individuals requires specific time periods prohibited applicant must have passed in addition to fulfillment of all sentencing requirements.
- Added language which authorizes staggered implementation of requirements.
- Language added which allows other agencies to access the system to submit record requests.
- Authorizes a maintenance fee of \$1.00 per request to be collected by the department which will assist with the self-sustaining of the system.