



To: Rep. David Crum, Chair and Members, House Health and Human Services
From: Rachel Monger, Director of Government Affairs
Date: February 25, 2013

Testimony in Support of House Bill 2283

Thank you, Chairman Crum, and Members of the House Health and Human Services Committee. I am Rachel Monger, the Director of Government Affairs for LeadingAge Kansas (formerly known as the Kansas Association of Homes and Services for the Aging). Our 160 members include not-for-profit nursing homes, retirement communities, hospital long-term care units, assisted living and residential health care residences, homes plus, low income housing, licensed home health agencies and other community based service programs throughout Kansas.

House Bill 2283 would require an entity that is conducting a nurse aide training program to obtain a criminal background check on an applicant before they are admitted to the program.

Current law states that no person may work in an adult care home who has been convicted of certain felonies listed in Kansas Statute 39-970 (see Appendix One) The statute further lists a certain class of felony convictions for which a person is banned from working in an adult care home for five years. (See Appendix Two)

House Bill 2283 extends the current felony conviction ban to nurse aide trainees providing care to nursing home residents during their clinical training.

State regulations require nurse aide trainees to complete clinical training in an adult care home or the long term care unit of a hospital. Some schools and other sponsoring entities do not conduct criminal background checks on students who enroll in a nurse aide training program. As a result, LeadingAge Kansas has received reports from members who have hosted a nurse aide trainee, and considered hiring them to work at their home. When they conducted the required background check, the home found that the person had a felony that prevented them from working in a nursing home in any capacity – let alone providing direct care to residents.

Other states, such as Texas, require nurse aide trainees to pass a background check before they are allowed to participate in clinical training. House Bill 2283 extends this same protection to our nursing home residents in Kansas.

We believe that background checks of nurse aide trainees are an extremely important public safety issue, and essential to the protection of our residents. We urge the committee to support House Bill 2283 favorably for passage.

Thank you so much for your time. I would be pleased to answer any questions.

Appendix One

List of Crimes

Conviction is a Permanent Ban from Working in an Adult Care Home

- 21-5401 Capital Murder
- 21-5402 First Degree Murder
- 21-5403 Second Degree Murder
- 21-5404 Voluntary Manslaughter
- 21-5407 Assisted Suicide
- 21-5417 Mistreatment of a Dependent Adult
- 21-5503 Rape
- 21-5504 Aggravated Criminal Sodomy
- 21-5505 Sexual Battery, Aggravated Sexual Battery
- 21-5506 Indecent Liberties with a Child, Aggravated Indecent Liberties
- 21-5508 Indecent Solicitation of a Child
- 21-5510 Sexual Exploitation of a Child
- 21-5301 Attempt to Commit Any Crime Listed Above
- 21-5302 Conspiracy to Commit Any Crime Listed Above
- 21-5303 Criminal Solicitation to Commit Any Crime Listed Above

Appendix Two

List of Crimes

5 Year Ban to Work in Adult Care Home

- 21-5405 Involuntary Manslaughter
- 21-5406 Vehicular Homicide
- 21-5408 Kidnapping, Aggravated Kidnapping
- 21-5409 Interference with Parental Custody
- 21-5410 Interference with Custody of a Committed Person
- 21-5411 Criminal Restraint
- 21-5412 Assault, Aggravated Assault
- 21-5413 Battery, Aggravated Battery
- 21-5414 Domestic Battery
- 21-5415 Criminal Threat, Aggravated Criminal Threat
- 21-5416 Mistreatment of a Confined Person
- 21-5418 Hazing
- 21-5419 Crimes Against an Unborn Child
- 21-5420 Robbery, Aggravated Robbery
- 21-5421 Terrorism
- 21-5422 Use of Weapons of Mass Destruction
- 21-5423 Furtherance of Terrorism
- 21-5424 Exposure to a Life Threatening Communicable Disease
- 21-5425 Unlawful Administration of a Substance
- 21-5426 Human Trafficking
- 21-5427 Stalking
- 21-5428 Blackmail