

March 4, 2013

The Honorable David Crum, Chairperson
House Committee on Health and Human Services
Statehouse, Room 512-N
Topeka, Kansas 66612

Dear Representative Crum:

SUBJECT: Fiscal Note for HB 2283 by House Committee on Children and Seniors

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2283 is respectfully submitted to your committee.

HB 2283 would require the sponsor of a nurse aid training program to obtain from the Department for Aging and Disability Services (KDADS) criminal history records on applicants for the course. The sponsor could be charged no more than \$10 per record check. A person who had been convicted of crimes specified in the bill would be denied admission to the training. The sponsor would be required to return any prepaid course fees to these applicants.

Estimated State Fiscal Effect				
	FY 2013 SGF	FY 2013 All Funds	FY 2014 SGF	FY 2014 All Funds
Revenue	--	--	\$18,000	\$18,000
Expenditure	--	--	\$18,000	\$18,000
FTE Pos.	--	--	--	--

Presently, information on criminal record checks is maintained within the Nurse Aide Registry. Current law provides that if an individual has had a criminal record check performed within the past year, a nursing facility would not be required to repeat it. However, KDADS believes that approximately 25.0 percent of nursing facilities would want to repeat the criminal record check at the time of hire. Experience has shown that many facilities want to have the criminal history information for their own records or may have hiring guidelines that are more stringent than state law requires.

In FY 2012, the Health Occupations Credentialing Unit certified approximately 7,200 individuals as Nurse Aides after completion of the required coursework and completed over 28,000 criminal history information checks through the KBI. Assuming that 7,200 individuals

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apply to attend a certified nurse aid training course each year and that nursing facilities would request repeat criminal background checks on 25.0 percent of those individuals, KDADS would perform an additional 1,800 criminal background checks through the KBI. If KDADS collects the current fee of \$10 per criminal background check, a total of \$18,000 would be received by KDADS to the credit of the Health Occupations Credentialing State General Fund account as a result of implementing this bill.

The KBI charges KDADS \$7.00 per individual to perform a criminal history record check. Again, assuming that 1,800 additional criminal history record checks are performed each year, KDADS would pay the KBI \$12,600 from the Health Occupations Credentialing State General Fund account. When a criminal background check indicates that an individual has a criminal record, KDADS is required to prepare a copy of the record, perform a legal review of the record to determine if the individual has been convicted of a prohibited offense, and mail the information to the requesting facility. Experience has shown that approximately 25.0 percent of criminal background checks indicate the presence of a criminal record which requires the additional processing and review by KDADS staff. Based on this information, KDADS estimates that it would be required to perform processing and review of an additional 450 records. This equates to a 6.5 percent increase in administrative time and expense. Of the fee collected for the criminal background checks, at least \$5,400 would be spent on the additional staff time and supplies necessary to handle the increased workload. If more than 25.0 percent of background checks were repeated by nursing facilities at the time of hire, or if more than 25.0 percent of background checks performed indicated a criminal history, the revenue received and the cost of implementing HB 2283 would increase. If the workload were to increase over the estimates presented in this fiscal note, additional staffing would be required to handle that increased workload.

Any fiscal effect associated with HB 2283 is not reflected in *The FY 2014 Governor's Budget Report*.

Sincerely,



Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Dave Halferty, Aging & Disability Services
Linda Durand, KBI