

FEB 22 2006
Place On Calendar

HOUSE FILE 2464
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 656)

Passed House, Date 3-13-06 Passed Senate, Date 3-14-06
Vote: Ayes 95 Nays 0 Vote: Ayes 50 Nays 0
Approved March 21, 2006

A BILL FOR

1 An Act authorizing an approved nursing education program to
2 initiate criminal and child and dependent adult abuse record
3 checks of students and prospective students regarding the
4 students' involvement with the clinical education component of
5 the program.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

HF 2464

1 Section 1. Section 152.5, Code 2005, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3. a. For the purposes of this
4 subsection:

5 (1) "Nursing program" means a nursing program that is
6 approved by the board pursuant to subsection 1 or 2.

7 (2) "Student" means a person applying for, enrolled in, or
8 returning to the clinical education component of a nursing
9 program.

10 b. A nursing program may access the single contact
11 repository established pursuant to section 135C.33 as
12 necessary for the nursing program to initiate record checks of
13 students.

14 c. A nursing program shall request that the department of
15 public safety perform a criminal history check and the
16 department of human services perform child and dependent adult
17 abuse record checks in this state on the nursing program's
18 students.

19 d. If a student has a criminal record or a record of
20 founded child or dependent adult abuse, upon request of the
21 nursing program, the department of human services shall
22 perform an evaluation to determine whether the record warrants
23 prohibition of the person's involvement in a clinical
24 education component of a nursing program involving children or
25 dependent adults. The department of human services shall
26 utilize the criteria provided in section 135C.33 in performing
27 the evaluation and shall report the results of the evaluation
28 to the nursing program. The department of human services has
29 final authority in determining whether prohibition of the
30 person's involvement in a clinical education component is
31 warranted.

32 Sec. 2. Section 235A.15, subsection 2, paragraph c, Code
33 Supplement 2005, is amended by adding the following new
34 subparagraph:

35 NEW SUBPARAGRAPH. (14) A nursing program that is approved

1 by the state board of nursing under section 152.5, if the data
2 relates to a record check performed pursuant to section 152.5.

3 Sec. 3. Section 235B.6, subsection 2, paragraph e, Code
4 Supplement 2005, is amended by adding the following new
5 subparagraph:

6 NEW SUBPARAGRAPH. (12) A nursing program that is approved
7 by the state board of nursing under section 152.5, if the
8 information relates to a record check performed pursuant to
9 section 152.5.

10 EXPLANATION

11 This bill authorizes an approved nursing education program
12 to initiate criminal and child and dependent adult abuse
13 record checks of students and prospective students involving
14 the clinical education component of the program.

15 Code sections 235A.15 and 235B.6, relating to access to the
16 registries for child abuse and dependent adult abuse
17 maintained by the department of human services, are amended to
18 allow the nursing education programs approved by the board of
19 nursing to initiate checks in those registries on the students
20 applying for, enrolled in, or returning to the clinical
21 education component of the nursing programs.

22 Code section 152.5, relating to approval of nursing
23 education programs by the board of nursing, is amended to
24 allow the programs to access the single contact registry to
25 request that the department of public safety perform criminal
26 record checks and the department of human services perform
27 child and dependent adult abuse record checks on such
28 students. If a student has a criminal record or a record of
29 founded child or dependent adult abuse, the program may
30 request that the department of human services perform an
31 evaluation to determine whether the record warrants
32 prohibition of the person's involvement in a clinical
33 education component of a nursing program involving children or
34 dependent adults.

35 The evaluation is required to utilize the criteria provided

S.F. _____

H.F.

2464

1 in Code section 135C.33, and the department is required to
2 report the results to the nursing program. That criteria
3 considers the nature and seriousness of the crime or founded
4 child or dependent adult abuse in relation to the position
5 sought or held, the time elapsed since the commission of the
6 crime or founded child or dependent adult abuse, the
7 circumstances under which the crime or founded child or
8 dependent adult abuse was committed, the degree of
9 rehabilitation, the likelihood that the person will commit the
10 crime or founded child or dependent adult abuse again, and the
11 number of crimes or founded child or dependent adult abuses
12 committed by the person involved. The department has final
13 authority in determining whether prohibition of the person's
14 involvement in a clinical education component of a nursing
15 program involving children or dependent adults is warranted.

16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

*Hutton
Freeman
Ford*

HSB 656

HUMAN RESOURCES

IF
02464

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC HEALTH/BOARD OF
NURSING BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act authorizing an approved nursing education program to
2 initiate criminal and child and dependent adult abuse record
3 checks of students and prospective students regarding the
4 students' involvement with the clinical education component of
5 the program.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

1 Section 1. Section 152.5, Code 2005, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3. a. For the purposes of this
4 subsection:

5 (1) "Nursing program" means a nursing program that is
6 approved by the board pursuant to subsection 1 or 2.

7 (2) "Student" means a person applying for, enrolled in, or
8 returning to the clinical education component of a nursing
9 program.

10 b. A nursing program may access the single contact
11 repository established pursuant to section 135C.33 as
12 necessary for the nursing program to initiate record checks of
13 students.

14 c. A nursing program shall request that the department of
15 public safety perform a criminal history check and the
16 department of human services perform child and dependent adult
17 abuse record checks in this state on the nursing program's
18 students.

19 d. If a student has a criminal record or a record of
20 founded child or dependent adult abuse, upon request of the
21 nursing program, the department of human services shall
22 perform an evaluation to determine whether the record warrants
23 prohibition of the person's involvement in a clinical
24 education component of a nursing program involving children or
25 dependent adults. The department of human services shall
26 utilize the criteria provided in section 135C.33 in performing
27 the evaluation and shall report the results of the evaluation
28 to the nursing program. The department of human services has
29 final authority in determining whether prohibition of the
30 person's involvement in a clinical education component is
31 warranted.

32 Sec. 2. Section 235A.15, subsection 2, paragraph c, Code
33 Supplement 2005, is amended by adding the following new
34 subparagraph:

35 NEW SUBPARAGRAPH. (14) A nursing program that is approved

1 by the state board of nursing under section 152.5, if the data
2 relates to a record check performed pursuant to section 152.5.

3 Sec. 3. Section 235B.6, subsection 2, paragraph e, Code
4 Supplement 2005, is amended by adding the following new
5 subparagraph:

6 NEW SUBPARAGRAPH. (12) A nursing program that is approved
7 by the state board of nursing under section 152.5, if the
8 information relates to a record check performed pursuant to
9 section 152.5.

10

EXPLANATION

11 This bill authorizes an approved nursing education program
12 to initiate criminal and child and dependent adult abuse
13 record checks of students and prospective students involving
14 the clinical education component of the program.

15 Code sections 235A.15 and 235B.6, relating to access to the
16 registries for child abuse and dependent adult abuse
17 maintained by the department of human services, are amended to
18 allow the nursing education programs approved by the board of
19 nursing to initiate checks in those registries on the students
20 applying for, enrolled in, or returning to the clinical
21 education component of the nursing programs.

22 Code section 152.5, relating to approval of nursing
23 education programs by the board of nursing, is amended to
24 allow the programs to access the single contact registry to
25 request that the department of public safety perform criminal
26 record checks and the department of human services perform
27 child and dependent adult abuse record checks on such
28 students. If a student has a criminal record or a record of
29 founded child or dependent adult abuse, the program may
30 request that the department of human services perform an
31 evaluation to determine whether the record warrants
32 prohibition of the person's involvement in a clinical
33 education component of a nursing program involving children or
34 dependent adults.

35 The evaluation is required to utilize the criteria provided

1 in Code section 135C.33, and the department is required to
2 report the results to the nursing program. That criteria
3 considers the nature and seriousness of the crime or founded
4 child or dependent adult abuse in relation to the position
5 sought or held, the time elapsed since the commission of the
6 crime or founded child or dependent adult abuse, the
7 circumstances under which the crime or founded child or
8 dependent adult abuse was committed, the degree of
9 rehabilitation, the likelihood that the person will commit the
10 crime or founded child or dependent adult abuse again, and the
11 number of crimes or founded child or dependent adult abuses
12 committed by the person involved. The department has final
13 authority in determining whether prohibition of the person's
14 involvement in a clinical education component of a nursing
15 program involving children or dependent adults is warranted.

16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35



Fields of Opportunities

STATE OF IOWA

THOMAS J. VILSACK
GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

BOARD OF NURSING
Lorinda K. Inman, R.N., M.S.N.
Executive Director

To: Members of the 81st General Assembly
From: Lorinda K. Inman
Re: LSB 5347DP
Date: January 31, 2006

The Board of Nursing has prefiled legislation requiring nursing education programs initiate criminal, child and dependent adult abuse record checks of students prior to entry into the clinical education component of the program. The legislation provides for the review and evaluation of a student's criminal record or record of founded child or dependent adult abuse by the Department of Human Services to determine whether the record warrants prohibition of the student's involvement in a clinical course.

Clinical facilities perform background checks for employees and have requested that programs evaluate students' backgrounds. This would be considered a continuation of best practices to ensure the welfare of the patients. This legislation provides the authority for nursing education programs to do these records checks.

The Board is proposing this legislation at the request of nursing organizations.

lki/jlm

HOUSE FILE 2464

AN ACT

AUTHORIZING AN APPROVED NURSING EDUCATION PROGRAM TO INITIATE
CRIMINAL AND CHILD AND DEPENDENT ADULT ABUSE RECORD CHECKS
OF STUDENTS AND PROSPECTIVE STUDENTS REGARDING THE STUDENTS'
INVOLVEMENT WITH THE CLINICAL EDUCATION COMPONENT OF THE
PROGRAM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 152.5, Code 2005, is amended by adding
the following new subsection:

NEW SUBSECTION. 3. a. For the purposes of this
subsection:

(1) "Nursing program" means a nursing program that is
approved by the board pursuant to subsection 1 or 2.

(2) "Student" means a person applying for, enrolled in, or
returning to the clinical education component of a nursing
program.

b. A nursing program may access the single contact
repository established pursuant to section 135C.33 as
necessary for the nursing program to initiate record checks of
students.

c. A nursing program shall request that the department of
public safety perform a criminal history check and the
department of human services perform child and dependent adult
abuse record checks in this state on the nursing program's
students.

d. If a student has a criminal record or a record of
founded child or dependent adult abuse, upon request of the
nursing program, the department of human services shall
perform an evaluation to determine whether the record warrants
prohibition of the person's involvement in a clinical
education component of a nursing program involving children or
dependent adults. The department of human services shall
utilize the criteria provided in section 135C.33 in performing
the evaluation and shall report the results of the evaluation
to the nursing program. The department of human services has
final authority in determining whether prohibition of the
person's involvement in a clinical education component is
warranted.

Sec. 2. Section 235A.15, subsection 2, paragraph c, Code
Supplement 2005, is amended by adding the following new
subparagraph:

NEW SUBPARAGRAPH. (14) A nursing program that is approved
by the state board of nursing under section 152.5, if the data
relates to a record check performed pursuant to section 152.5.

Sec. 3. Section 235B.6, subsection 2, paragraph e, Code
Supplement 2005, is amended by adding the following new
subparagraph:

NEW SUBPARAGRAPH. (12) A nursing program that is approved by the state board of nursing under section 152.5, if the information relates to a record check performed pursuant to section 152.5.

CHRISTOPHER C. RANTS
Speaker of the House

JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2464, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2006

THOMAS J. VILSACK
Governor