

## 8.9 Security Clearance: Background Checks

To safeguard the interests of vulnerable customers, residents, patients and KDADS staff, and to minimize risk of their injury, KDADS may require any top applicant, employee, student, intern, volunteer, independent contractor or contracted staffer to obtain and maintain security clearance as a condition of employment/service to the agency. Results from background checks of state and federal records will be considered by KDADS in determining whether to grant security clearance. Individuals may be required to submit fingerprints for use in obtaining records.

KDADS reserves the right to disqualify from consideration for employment/service any individual who is denied or fails to maintain security clearance when required to do so. Security clearance may be denied to an individual who has been convicted of a prohibited crime as detailed below. Conviction of a prohibited crime or having engaged in prohibited conduct as defined below occurring more than five years ago will not automatically result in denial of security clearance but may be considered in determining whether to grant security clearance.

### Prohibited Crimes:

- Abandonment of a Child
- Abuse
- Abuse of a Child
- Aggravated Abandonment of a Child
- Aggravated Arson
- Aggravated Battery
- Aggravated Burglary
- Aggravated Incest
- Aggravated Robbery
- Aggravated Sodomy
- Aiding Escape
- Altering a Legislative Document
- Arson
- Assault
- Assisting Suicide
- Battery
- Bigamy
- Blackmail
- Bribery
- Burglary
- Contributing to a Child's Misconduct or Deprivation
- Criminal Damage to Property
- Criminal Nonsupport
- Criminal Restraint
- Criminal Threat
- Electronic Solicitation
- Endangering of a Child
- Exposing Another to a Life Threatening Communicable Disease
- Forgery
- Furnishing Alcoholic Liquor/Beverage or Cereal Malt Beverage to a Minor
- Harassment
- Hazing
- Illegal Use of Weapons of Mass Destruction or Furtherance of Terrorism
- Incest
- Indecent Liberties With a Child, Ward
- Indecent Solicitation of a Child
- Injury to a Pregnant Woman
- Interference with Parental Custody
- Interference with the Conduct of Public Business in a Public Building
- Interference with the Custody of a Committed Person
- Intimidation of a Witness or Victim
- Involuntary Manslaughter
- Kidnapping
- Lewd and Lascivious Behavior
- Making False Writing
- Mistreatment of a Confined Person
- Mistreatment of a Dependent Adult
- Murder
- Obstructing Legal Process or Official Duty
- Official Misconduct
- Patronizing a Prostitute
- Perjury
- Permitting Dangerous Animal to be at Large
- Poisoning
- Possession, Possession with the Intent to Sell
- Promoting Obscenity
- Promoting Prostitution
- Prostitution
- Rape
- Robbery
- Sale, Manufacture or Production of any Drug Listed in the Uniform Controlled Substances Act, KSA 65-4101 et. seq.
- Sedition
- Sexual Battery
- Sexual Exploitation of a Child

- Sodomy
- Stalking
- Terrorism
- Theft
- Threat, Criminal or Terroristic
- Trafficking
- Treason
- Unlawful Administration of a Substance
- Unlawful Disclosure of Tax Information
- Unlawful Interference
- Unlawful Sexual Relations
- Vehicular Homicide
- Voluntary Manslaughter
- \*Any other crimes including attempts, conspiracies, and solicitation to commit any of the crimes listed

A conviction or other disposition of a prohibited crime (*including but not limited to entering a diversion agreement; a plea of guilty, no contest or nolo contendere; a finding of guilt on original or reduced charges by a judge or a jury; plea bargaining to lesser charges; being found not guilty by reason of insanity; or expungement of conviction*) may be considered in determining whether to grant a security clearance. Any pending charges involving a prohibited crime may also be considered.

Prohibited Conduct:

Convictions which are titled differently than those on the prohibited crimes list but which encompass *the same or substantially similar conduct* are also considered as prohibited conduct. KDADS may also consider as prohibited conduct any administrative findings or pending criminal charges or allegations of welfare fraud, state and/or federal program or benefit fraud including but not limited to food assistance, cash assistance, Medicaid and Social Security, child or adult abuse, neglect, exploitation or termination of parental rights. Other types of convictions and conduct may be considered in determining whether to grant a security clearance, if the conviction or conduct bears a substantial relationship to the job duties of the position/service and consideration is consistent with business necessity.