

STATE OF KANSAS

DEPARTMENT FOR AGING AND DISABILITY
SERVICES
NEW ENGLAND BUILDING
503 SOUTH KANSAS AVENUE
TOPEKA, KS 66603-3404



kdads.wwwmail@ks.gov
www.kdads.ks.gov

GOVERNOR JEFF COLYER, M.D.
TIMOTHY KECK, SECRETARY

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CHANGES TO THE CRIMINAL RECORD CHECK STATUTES FOR HCBS, HOME HEALTH AGENCIES AND ADULT CARE HOMES

Senate Substitute for Senate Substitute for House Bill 2386 (originally HB 2427) passed this legislative session and will become effective 7/1/2018. The bill made changes to the criminal record check laws for **Adult Care Homes (K.S.A. 39-970)**, **Home Health Agencies (K.S.A. 65-5117)** and **HCBS (K.S.A. 39-2009)**.

WHAT WILL HAPPEN JULY 1, 2018

- **New Prohibited Offense List** which is now identical for Adult Care Homes, Home Health Agencies and HCBS Providers. There are some new offenses while some previously prohibited offenses have been removed. The revised list is posted on the HOC website at www.kdads.ks.gov/hoc
- HCBS Providers will see that **some prohibiting offenses are now only prohibited for six years.**
- **Waivers** may be requested for certain offenses after five years have passed since completion of all court imposed conditions.
- **Exceptions will no longer be granted for HCBS** because of the Waiver option above.
- **Adult Care Homes and Home Health Agencies will no longer receive criminal history record information** with clearance letters for those individuals who do not have prohibiting offenses. Instead, the **clearance letters** will be **available online** from the facility's employee listing by selecting 'View Results'. *Facilities will continue to sometimes see the message that information at the Central Repository requires KDADS review. Staff will review the information, then, if cleared, the clearance letter will be made available online. If prohibited, a letter will be mailed to the facility.*
- **Letters advising of employment prohibitions will continue to be mailed to Adult Care Homes, Home Health Agencies and HCBS Providers.**
- **Individuals** with pending arrests/charges/court hearings related to offenses that would be prohibited if convicted **will be responsible for providing the court documentation** regarding the outcomes. Facilities will be notified by letter and asked to share the letter with the candidate as KDADS may not have the individual's current mailing address.

LOOKING FORWARD

- **Rules and Regulations** are being drafted in the area of waivers for certain offenses and the implementation of the amendments, which may be completed over a period of time for different categories of employers. This allows for a staggered implementation.

● **National Finger-Print Based Criminal Record Checks** will be **implemented in phases**. There will be **no fee increase until the finger-print based checks are implemented**.

● The new background check system, called **KanCheck**, will be **implemented in phases**.

STAY TUNED

Please visit the Health Occupations Credentialing web page at www.kdads.ks.gov/hoc regularly for updates. As implementation goes forward updates will be posted to the webpage. KDADS looks forward to working with all provider types to assure a smooth transition.