

## Information in State statutes and regulations relevant to the National Background Check Program: Iowa

This document describes what was included as of January 2011 in Iowa statutes and regulations relevant to the Centers for Medicare & Medicaid Services' National Background Check Program. Iowa has nine relevant statutes and regulations, all of which were used in gathering information for this document, and which are listed below in the State Statutes and Regulations section.

<b>Key Feature</b>	<b>Description</b>
Specific facility and provider types	The State covers all nine long term care (LTC) facility and provider types named in the Patient Protection and Affordable Care Act of 2010 (Affordable Care Act): skilled nursing facilities, nursing facilities, home health agencies, hospice care providers, LTC hospitals, personal care service providers, adult day care, residential care providers, and intermediate care facilities for the mentally retarded (ICF-MRs).
Registry checks	Statutes and regulations indicate that the State conducts a State-based search of abuse and neglect registries.
Fingerprinting	Not addressed.
Rap back	Not addressed.
Provisional employment	Not addressed.
Definition of direct patient access employee	In Iowa, there is no definition of direct patient access employee. However, LTC facilities must have background checks conducted for any individual who is paid to provide direct or indirect treatment or services to residents in a health care facility. For adult day services, personal care services, and hospice, employees who provide "direct care to consumers" require background checks.
Provision of criminal background check results to employee	Not addressed.
Expiration of criminal history background check results	Criminal history background check results are valid until when or if an employer learns from any source that a current employee has a criminal or dependent adult or child abuse record that has not been previously evaluated, or until an employee leaves one employer and begins employment with a different employer.

<b>Key Feature</b>	<b>Description</b>
<p>Inclusion of disqualifying crimes specified in section 6201 of the Affordable Care Act:</p> <ol style="list-style-type: none"> <li>1. Medicare/Medicaid program-related crimes (42 U.S.C § 1320a-7(a)(1))</li> <li>2. Convictions related to patient abuse/neglect (42 U.S.C § 1320a-7(a)(2))</li> <li>3. Felony convictions related to health care fraud (42 U.S.C § 1320a-7(a)(3))</li> <li>4. Certain felony convictions related to controlled substances (42 U.S.C § 1320a-7(a)(4))</li> </ol>	<ol style="list-style-type: none"> <li>1. Not addressed.</li> <li>2. Not addressed.</li> <li>3. Not addressed</li> <li>4. Not addressed.</li> </ol>
<p>State-identified convictions</p>	<p>Not addressed.</p>
<p>Opportunity to contest accuracy of background check findings</p>	<p>The State provides a way to contest the accuracy of background check findings.</p>
<p>Ability to remove hiring prohibition based on rehabilitation factors</p>	<p>Not addressed.</p>
<p>Rehabilitation/mitigation process for negative fitness determinations</p>	<p>The State's process takes into account the following: elapsed time since the disqualifying conviction took place, extenuating circumstances, rehabilitation, and relevance of the conviction to the job in question.</p>
<p>Independence of appeal or review process</p>	<p>The State provides independence of the appeal or review process.</p>

## State Statutes and Regulations

Citation	Description
Iowa Code § 135C.33	<p>This has to do with background checks for employees of nursing homes, residential care facilities, and ICF-MRs, as well as for the following, "if the provider is regulated by the state or receives any state or federal funding":</p> <ol style="list-style-type: none"> <li>(1) An employee of a homemaker-home health aide, home care aide, adult day services, or other provider of in-home services if the employee provides direct services to consumers.</li> <li>(2) An employee of a hospice, if the employee provides direct services to consumers.</li> <li>(3) An employee who provides direct services to consumers under a federal home and community-based services waiver.</li> <li>(4) An employee of an elder group home certified under Chapter 231B, if the employee provides direct services to consumers.</li> <li>(5) An employee of an assisted living program certified under Chapter 231C, if the employee provides direct services to consumers.</li> </ol>
Iowa Code § 135B.34	This has to do with background checks for hospital employees.
Iowa Code § 231D.14	This has to do with background checks for employees of adult day services programs.
Iowa Code § 231C.3(9)	This has to do with background checks for employees of assisted living programs.
Iowa Code § 231B.2(8)	This is about background checks for employees of elder group homes.
Iowa Code § 218.13	This has to do with background checks for employees of facilities operated by the Iowa Department of Human Services.
Iowa Administrative Code (Iowa Admin. Code) r. 441-119.1 through 441-119.5	This has to do with background checks for employees of entities described in Iowa Code § 135C.33; it covers rules for evaluation of employability by the Iowa Department of Human Services.
Iowa Admin. Code r. 481-50.9	This has to do with background checks for employees of home health agencies and hospices.
Iowa Admin. Code Chapter 7; see particularly Iowa Admin. Code r. 441-7.1 definition of "aggrieved person," item 8	This is about appeals for persons who have been restricted from or denied employment in a health care facility, State institution, or other facility based on the results of a record check.

### Key

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