

FIFTY-SEVENTH LEGISLATURE
FIRST SESSION

PROPOSED AMENDMENT DIRECTED TO A COMMITTEE

February 11, 2025

Madam Chair:

I propose to the HOUSE JUDICIARY COMMITTEE the following amendments to

HOUSE BILL 131

1. On page 1, lines 15 and 16, strike "PROMULGATE RULES TO ESTABLISH ADDITIONAL DISQUALIFYING CONVICTIONS FOR" and insert in lieu thereof "DISQUALIFY CERTAIN".
2. On page 2, line 20, strike "disqualifying convictions;".
3. On page 3, line 15, after "including", insert "aggravated".
4. On page 4, strike lines 7 through 10 and insert in lieu thereof:

"E. The health care authority:

(1) may disqualify an applicant, caregiver or hospital caregiver from employment as a caregiver if that applicant, caregiver or hospital caregiver poses an unreasonable risk to care recipients. In determining whether a person poses an unreasonable risk as a caregiver, the health care authority shall assess the totality of the circumstances using reasonably reliable information, such as court records. The health care authority may only find that an applicant, caregiver or hospital caregiver poses an unreasonable risk if the preponderance of the evidence establishes an unreasonable risk due to the applicant, caregiver or hospital caregiver having:

(a) two or more convictions related to abuse, neglect or exploitation within the past ten years, regardless of the degree of the crime; or

(b) a single conviction or pending charges, regardless of the degree of the crime, if the crime is related to: 1) abuse, neglect or exploitation of a care recipient; 2) human trafficking; 3) criminal sexual penetration or related sexual offenses; 4) battery of a household member; or 5) child abuse; and

(2) shall provide an administrative reconsideration process for applicants, caregivers and hospital caregivers who are determined to be an unreasonable risk. The burden of proof is on the health care authority to demonstrate unreasonable risk by a preponderance of the evidence. An applicant, caregiver or hospital caregiver shall have the right to judicial review of any decision made by the health care authority pursuant to this subsection."

5. On page 4, line 15, after "caregiver", strike the remainder of the line, strike lines 16 and 17 and on line 18, strike "Subsection" and insert in lieu thereof "is disqualified pursuant to Subsection D or".

6. On page 4, line 25, after "conviction", insert "or unreasonable risk".

7. On page 5, strike lines 2 and 3 and on line 4, strike "Subsection" and insert in lieu thereof "disqualification pursuant to Subsection D or".

8. On page 5, line 6, strike "convictions" and insert in lieu thereof "reasons".

9. On page 5, strike line 13 and insert in lieu thereof "results in a disqualification pursuant to".

10. On page 5, line 14, after "D", insert "or E".

11. On page 5, line 14, after "section", strike the remainder of the line and strike line 15 up to the comma.

12. On page 5, strike lines 21 through 25 and on page 6,

strike lines 1 through 4 and insert in lieu thereof "reversal of the health care authority's decision."

13. On page 6, line 9, after "conviction", insert "or unreasonable risk".

14. On page 6, line 20, after "caregiver", strike the remainder of the line, strike line 21 and strike line 22 up to the period and insert in lieu thereof "is disqualified pursuant to Subsection D or E of this section".

15. On page 7, line 20, strike the closing quotation mark.

16. On page 7, between lines 20 and 21, insert:

"N. For the purposes of this section, "unreasonable risk" means a level of risk that a reasonable person would be unwilling to take regarding the safety or welfare of a care recipient."".

Respectfully submitted,

Elizabeth "Liz" Thomson