

### **Proponent Testimony**

**SB 246 — Requiring all applicants for teaching licenses and certificates and employees of a school district or public innovative district to submit to a criminal history record check and creating the criminal history record check reimbursement fund for certain state and criminal history record checks conducted by the Kansas department for aging and disability services.**

**Senate Judiciary Committee**

**Tuesday, January 20, 2026**

Chairwoman Warren and Members of the Senate Judiciary Committee,

Thank you for holding a hearing on SB 246 regarding criminal history record checks and allowing us the opportunity to testify in favor. This bill ensures KDADS' ability to perform criminal history record checks for several professions and facility types that the agency licenses.

Pursuant to a recent audit conducted by the Federal Bureau of Investigation (FBI) audit of the criminal history checks program administered by the Kansas Bureau of Investigation (KBI), the Kansas Department for Aging and Disabilities Services (KDADS) was advised that the broad authority granted to KDADS in current K.S.A. 75-53,105 could no longer serve as authority for KDADS to run criminal history checks because the statutory authority was shared with the Department for Children and Families (DCF) and the authority granted therein was too broad.

KDADS has been using current K.S.A. 75-53,105 to run criminal history checks for employees and applicants that were not addressed by other statutory authorities granted to KDADS, including backgrounds for employees and agency staff at the four state hospitals and psychiatric residential treatment facilities (PRTFs). A 2024 amendment to K.S.A. 39-2009 addressed an issue with backgrounds completed for PRTFs. However, authority is needed for the existing programs that were transferred to KDADS as part of the 2012 ERO 41 codified at K.S.A. 39-1901 et seq. and programs that have been added since the 2012 ERO 41 legislation, such as for certification of certified community behavioral health clinics (CCBHCs) and peer specialists.

Finally, additional authorities were needed for KDADS to complete criminal history checks for dietitians and speech-language pathologists and audiologists due to legislation that would allow KDADS to enter into interstate compacts to authorize granting licensure privileges for dietitians and speech-language pathologists and audiologists from out-of-state, if otherwise in good standing in their home state. Licensure of dietitians was transferred to KDADS as part of the Health Occupations and Credentialing Program that was transferred to KDADS in the 2012 ERO 41, specifically K.S.A. 39-1908, Licensure of speech-language pathologists and audiologists is the responsibility of KDADS pursuant to K.S.A. 65-6503.

In both the speech-language pathologists and audiologists interstate licensure compact bill passed in 2021 SB 77 and the Dietitian interstate licensure compact bill passed in 2025 HB 2069, participating states are required to conduct criminal history record checks for license applicants. Additionally, for both compacts, member states must implement procedures for reviewing criminal history record information for applicants seeking an initial Compact privilege. These procedures must include the submission of fingerprints or other biometric-based information to obtain criminal history record information from both the FBI and the state agency responsible for maintaining criminal records. Member states are required to fully implement these background check requirements within a timeframe established by rule, use the results in determining Compact privilege eligibility, and ensure that communications between member states and the Compact Commission do not include any FBI criminal history record information obtained through a federal background check.

KDADS needs the authority outlined in SB 246 to participate in both interstate licensure compacts as well as to address FBI audit findings stemming from agency reorganization in 2012 ERO 41.

We appreciate KBI bringing this bill forward and the Committee for its consideration. I am available for questions at the appropriate time.

Respectfully,

Lacey Hunter  
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Kansas Department for Aging & Disability Services