

**216.533 Department for Mental Health and Mental Retardation Services long-term care facilities -- Criminal background checks for applicants for employment -- Persons who may not be employed -- Effect of pardon or expunged record -- Exemption from KRS 216.789(1).**

- (1) A long-term care facility owned, managed, or operated by the Department for Mental Health and Mental Retardation Services shall request an in-state criminal background information check from the Justice and Public Safety Cabinet or Administrative Office of the Courts for each applicant recommended for employment. Out-of-state criminal background information checks shall be obtained for any applicant recommended for employment who has resided or been employed outside of the Commonwealth.
- (2) No facility specified in subsection (1) of this section shall knowingly employ any person who has been convicted of a felony offense under:
  - (a) KRS Chapter 209;
  - (b) KRS Chapter 218A;
  - (c) KRS 507.020, 507.030, and 507.040;
  - (d) KRS Chapter 509;
  - (e) KRS Chapter 510;
  - (f) KRS Chapter 511;
  - (g) KRS Chapter 513;
  - (h) KRS 514.030;
  - (i) KRS Chapter 530;
  - (j) KRS Chapter 531;
  - (k) KRS 508.010, 508.020, 508.030, and 508.032;
  - (l) A criminal statute of the United States or another state similar to paragraphs (a) to (k) of this subsection; or
  - (m) A violation of the uniform code of military justice or military regulation similar to paragraphs (a) to (k) of this subsection which has caused the person to be discharged from the Armed Forces of the United States.
- (3) A person who has received a pardon for an offense specified in subsection (2) or has had the record of such an offense expunged may be employed.
- (4) Department for Mental Health and Mental Retardation facilities specified in subsection (1) of this section shall be exempt from the provisions of KRS 216.789(1).

**Effective:** June 26, 2007

**History:** Amended 2007 Ky. Acts ch. 85, sec. 246, effective June 26, 2007. -- Created 2004 Ky. Acts ch. 113, sec. 1, effective July 13, 2004.