

By: Turner

H.B. No. 1009

A BILL TO BE ENTITLED

AN ACT

1
2 relating to criminal history record information reviews of certain
3 individuals providing services to individuals with an intellectual
4 or developmental disability.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter B, Chapter 531, Government Code, is
7 amended by adding Section 531.02485 to read as follows:

8 Sec. 531.02485. REQUIRED REVIEW OF CRIMINAL HISTORY RECORD
9 INFORMATION FOR CERTAIN RESIDENTIAL CAREGIVERS. (a) In this
10 section, "residential caregiver" means an individual who provides,
11 through a group home or other residential facility licensed by or
12 operated under the authority of the commission, including a group
13 home or facility licensed or operated under a Section 1915(c)
14 waiver program, community-based residential care services:

15 (1) to not more than four individuals with an
16 intellectual or developmental disability at any time; and

17 (2) at a residence other than the home of an individual
18 described by Subdivision (1).

19 (b) The commission shall review state and federal criminal
20 history record information and obtain electronic updates from the
21 Department of Public Safety of arrests and convictions for each
22 residential caregiver who holds a license or other operational
23 authorization issued by the commission.

24 (c) A residential caregiver who has been convicted of an

1 offense described by Section 250.006, Health and Safety Code, may
2 not provide direct care to an individual with an intellectual or
3 developmental disability. A residential caregiver who violates
4 this subsection is subject to disciplinary action by the
5 commission.

6 (d) The commission shall disenroll from participation in
7 Medicaid a residential caregiver who has been convicted of an
8 offense described by Section 250.006, Health and Safety Code.

9 (e) The executive commissioner shall adopt rules necessary
10 to implement this section.

11 SECTION 2. This Act takes effect September 1, 2023.