

By: Dorazio

H.B. No. 4643

A BILL TO BE ENTITLED

AN ACT

relating to access to criminal history record information that relates to providers and provider applicants under Medicaid and other public benefits programs administered by the Health and Human Services Commission.

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

SECTION 1. The heading to Section 411.1143, Government Code, is amended to read as follows:

Sec. 411.1143. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION; AGENCIES ADMINISTERING OR OPERATING ~~[PART OF]~~ MEDICAL ASSISTANCE AND OTHER PUBLIC BENEFITS PROGRAMS ~~[PROGRAM]~~.

SECTION 2. Section 411.1143, Government Code, is amended by amending Subsections (a) and (a-1) and adding Subsection (e) to read as follows:

(a) The Health and Human Services Commission, an agency operating part of a public benefits program, including the medical assistance program under Chapter 32, Human Resources Code, or the office of inspector general established under Subchapter C, Chapter 544, of this code ~~[Government Code]~~, is entitled to obtain criminal history record information as provided by Subsection (a-2) that relates to a provider under a public benefits ~~[the medical assistance]~~ program administered by the commission or a person applying to enroll as a provider under a public benefits ~~[the medical assistance]~~ program administered by the commission.

(a-1) Criminal history record information the Health and Human Services Commission or the office of inspector general is authorized to obtain under Subsection (a) includes criminal history record information relating to:

(1) a person that:

(A) has a direct or indirect ownership interest, or a combination of direct and indirect ownership interests, that equals five percent or more in the provider or person applying to enroll as a provider;

(B) owns an interest of five percent or more in a mortgage, deed of trust, promissory note, or other obligation secured by the provider or person applying to enroll as a provider if that interest equals at least five percent of the value of the property or other assets of the provider or person applying to enroll as a provider;

(C) is an officer or director of the provider or person applying to enroll as a provider if that provider or applicant is organized as a corporation; or

(D) is a partner in the provider or person applying to enroll as a provider if that provider or applicant is organized as a partnership ~~[a person with a direct or indirect ownership or control interest, as defined by 42 C.F.R. Section 455.101, in a provider of five percent or more]~~; and

(2) a managing employee of the provider or person applying to enroll as a provider ~~[a person whose information is required to be disclosed in accordance with 42 C.F.R. Part 1001].~~

(e) In this section:

1           (1) "Managing employee," with respect to a provider or  
2 person applying to enroll as a provider, means an individual,  
3 including a general manager, business manager, administrator, or  
4 director, who:

5                   (A) exercises operational or managerial control  
6 over all or part of the provider or applicant; or

7                   (B) directly or indirectly conducts the daily  
8 operations of all or part of the provider or applicant.

9           (2) "Ownership interest," with respect to a provider  
10 or person applying to enroll as a provider, means having equity in  
11 the provider's or applicant's capital, stock, or profits.

12           (3) "Provider" means an individual or entity that  
13 engages in the delivery of health care services and is authorized to  
14 deliver those services in this state, including an individual or  
15 entity that delivers health care services to recipients under the  
16 medical assistance program.

17           SECTION 3. This Act takes effect immediately if it receives  
18 a vote of two-thirds of all the members elected to each house, as  
19 provided by Section 39, Article III, Texas Constitution. If this  
20 Act does not receive the vote necessary for immediate effect, this  
21 Act takes effect September 1, 2025.