

BILL ANALYSIS

S.B. 923
By: Zaffirini
Human Services
Committee Report (Amended)

BACKGROUND AND PURPOSE

Currently, criminal background checks are required for applicants for employment at nursing homes within 72 hours of hire. S.B. 923 requires the background check to be completed within 24 hours, and adds burglary as grounds for prohibition of employment.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, department, institution, or agency.

ANALYSIS

SECTION 1. Amends Sections 250.003(a) and (b), Health and Safety Code, as follows:

(a) Provides that, except for an applicant for employment at or an employee of a facility licensed under Chapter 242 (Convalescent and Nursing Homes and Related Institutions) or Chapter 247, a person licensed under another law of this state is exempt from the requirements of this chapter.

(b) Requires a criminal conviction check for a non-registered temporary or interim employee hired on an emergency basis, if the facility is licensed under Chapter 242 or Chapter 247, within 24 hours of employment.

SECTION 2. Amends Section 250.006, Health and Safety Code, by adding Subsection (c), to prohibit a person for whom a facility licensed under Chapter 242 or Chapter 247 is entitled to obtain criminal history record information, in addition to the prohibitions on employment prescribed by Subsections (a) and (b), from being employed in a facility licensed under Chapter 242 or Chapter 247 if the person has been convicted of an offense under Section 30.02 (Burglary), Penal Code, or under the laws of another state, federal law, or the Uniform Code of Military Justice for an offense containing elements that are substantially similar to the elements of an offense under Section 30.02, Penal Code.

SECTION 3. Effective date: upon passage or September 1, 2003.

EFFECTIVE DATE

September 1, 2003.

EXPLANATION OF AMENDMENTS

Committee amendment number 1 adds a new SECTION 3 which provides that the change in law made by this Act does not apply to a person who is employed by a facility on the effective date of this Act for the period during which the person is continuously employed by that facility.

