

By: Branch

H.B. No. 742

A BILL TO BE ENTITLED

AN ACT

relating to access by certain hospitals and hospital districts to criminal history record information.

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

SECTION 1. Section 411.136, Government Code, is amended to read as follows:

Sec. 411.136. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: CERTAIN [~~PUBLIC~~] HOSPITALS AND HOSPITAL DISTRICTS.

(a) In this section: ~~[7]~~

(1) "Public [~~public~~] hospital" means a hospital that is owned, operated, or leased by a county, municipality, or hospital authority.

(2) "Nonprofit hospital" means a hospital that is exempt from federal taxation under Section 501(a), Internal Revenue Code of 1986, as amended, by being listed as an exempt entity under Section 501(c)(3) of that code.

(b) A public or nonprofit hospital or hospital district is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) an applicant for employment or a volunteer position with the [~~public~~] hospital or [~~hospital~~] district;

(2) an employee of or a volunteer with the [~~public~~] hospital or [~~hospital~~] district; or

1           (3) an applicant for employment with or an employee of  
2 a person or business that contracts with the ~~[public]~~ hospital or  
3 ~~[hospital]~~ district.

4           (c) The public or nonprofit hospital or hospital district  
5 shall adopt a uniform method to obtain criminal history information  
6 from persons described by Subsection (b). The ~~[public]~~ hospital or  
7 ~~[hospital]~~ district may require the complete name, driver's license  
8 number, fingerprints, or social security number of those persons.

9           (d) The public or nonprofit hospital or hospital district  
10 may dismiss a person or deny a person employment or a volunteer  
11 position or refuse to allow a person to work in a ~~[public]~~ hospital  
12 or ~~[hospital]~~ district facility if:

13           (1) the person fails or refuses to provide information  
14 described by Subsection (c); or

15           (2) the person's criminal history record information  
16 reveals a conviction or deferred adjudication that renders the  
17 person unqualified or unsuitable for employment or a volunteer  
18 position.

19           (e) All criminal history record information received by a  
20 public or nonprofit hospital or hospital district under this  
21 section is privileged, confidential, and intended for the exclusive  
22 use of the entity that obtained the information. The ~~[public]~~  
23 hospital or ~~[hospital]~~ district may not release or disclose  
24 criminal history record information to any person or agency except  
25 in a criminal proceeding, in a hearing conducted by the ~~[public]~~  
26 hospital or ~~[hospital]~~ district, to another governmental entity as  
27 required by law, or as required by court order.

1           (f) The public or nonprofit hospital or hospital district  
2 shall develop procedures for the custody and use of information  
3 obtained under this section. After use of the information, the  
4 ~~[public]~~ hospital or ~~[hospital]~~ district administrator or the  
5 administrator's designee shall destroy the information in  
6 accordance with the ~~[public]~~ hospital's or ~~[hospital]~~ district's  
7 document destruction procedures.

8           (g) A public or nonprofit hospital, a hospital district, a  
9 member of the governing board of the ~~[public]~~ hospital or  
10 ~~[hospital]~~ district, or an employee of a ~~[public]~~ hospital or  
11 ~~[hospital]~~ district is not civilly liable for failure to comply  
12 with this chapter if the ~~[public]~~ hospital or ~~[hospital]~~ district  
13 makes a good faith effort to comply.

14           SECTION 2. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect September 1, 2003.