

By: Zaffirini

S.B. No. 61

A BILL TO BE ENTITLED

AN ACT

relating to criminal history checks of employees and applicants for employment in nursing homes.

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

SECTION 1. Section 250.002, Health and Safety Code, is amended by adding Subsection (e) to read as follows:

(e) For each applicant for employment at or employee of a facility licensed under Chapter 242 whose employment duties would or do involve direct contact with a consumer in the facility, the facility or a private agency or regulatory agency on behalf of the facility:

(1) shall obtain criminal history record information from the Department of Public Safety of the State of Texas in accordance with this chapter and Subchapter F, Chapter 411, Government Code;

(2) shall obtain criminal history record information from the Federal Bureau of Investigation in accordance with Section 411.087, Government Code; and

(3) may obtain criminal history record information from any court or any local, state, or national governmental agency if no disqualifying record or information has been obtained under Subdivision (1) or (2).

SECTION 2. Section 250.004(b), Health and Safety Code, is amended to read as follows:

1           (b) If a facility receives criminal history record  
2 information under this chapter [~~the Department of Public Safety~~  
3 ~~reports~~] that indicates a person has a criminal conviction of any  
4 kind, the conviction shall be reviewed by the facility to determine  
5 if the conviction may bar the person from employment in a facility  
6 under Section 250.006 or if the conviction may be a  
7 contraindication to employment.

8           SECTION 3. This Act takes effect September 1, 2003.