

1-1 By: West S.B. No. 567
1-2 (In the Senate - Filed February 18, 2003; February 24, 2003,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; March 17, 2003, reported favorably by the following
1-5 vote: Yeas 8, Nays 0; March 17, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to access by certain hospitals and hospital districts to
1-9 criminal history record information.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 411.136, Government Code, is amended to
1-12 read as follows:

1-13 Sec. 411.136. ACCESS TO CRIMINAL HISTORY RECORD
1-14 INFORMATION: CERTAIN ~~[PUBLIC]~~ HOSPITALS AND HOSPITAL DISTRICTS.

1-15 (a) In this section:

1-16 (1) ~~[7]~~ "Public ~~[public]~~ hospital" means a hospital
1-17 that is owned, operated, or leased by a county, municipality, or
1-18 hospital authority.

1-19 (2) "Nonprofit hospital" means a hospital that is
1-20 exempt from federal taxation under Section 501(a), Internal Revenue
1-21 Code of 1986, as amended, by being listed as an exempt entity under
1-22 Section 501(c)(3) of that code.

1-23 (b) A public or nonprofit hospital or hospital district is
1-24 entitled to obtain from the department criminal history record
1-25 information maintained by the department that relates to a person
1-26 who is:

1-27 (1) an applicant for employment or a volunteer
1-28 position with the ~~[public]~~ hospital or ~~[hospital]~~ district;

1-29 (2) an employee of or a volunteer with the ~~[public]~~
1-30 hospital or ~~[hospital]~~ district; or

1-31 (3) an applicant for employment with or an employee of
1-32 a person or business that contracts with the ~~[public]~~ hospital or
1-33 ~~[hospital]~~ district.

1-34 (c) The public or nonprofit hospital or hospital district
1-35 shall adopt a uniform method to obtain criminal history information
1-36 from persons described by Subsection (b). The ~~[public]~~ hospital or
1-37 ~~[hospital]~~ district may require the complete name, driver's license
1-38 number, fingerprints, or social security number of those persons.

1-39 (d) The public or nonprofit hospital or hospital district
1-40 may dismiss a person or deny a person employment or a volunteer
1-41 position or refuse to allow a person to work in a ~~[public]~~ hospital
1-42 or ~~[hospital]~~ district facility if:

1-43 (1) the person fails or refuses to provide information
1-44 described by Subsection (c); or

1-45 (2) the person's criminal history record information
1-46 reveals a conviction or deferred adjudication that renders the
1-47 person unqualified or unsuitable for employment or a volunteer
1-48 position.

1-49 (e) All criminal history record information received by a
1-50 public or nonprofit hospital or hospital district under this
1-51 section is privileged, confidential, and intended for the exclusive
1-52 use of the entity that obtained the information. The ~~[public]~~
1-53 hospital or ~~[hospital]~~ district may not release or disclose
1-54 criminal history record information to any person or agency except
1-55 in a criminal proceeding, in a hearing conducted by the ~~[public]~~
1-56 hospital or ~~[hospital]~~ district, to another governmental entity as
1-57 required by law, or as required by court order.

1-58 (f) The public or nonprofit hospital or hospital district
1-59 shall develop procedures for the custody and use of information
1-60 obtained under this section. After use of the information, the
1-61 ~~[public]~~ hospital or ~~[hospital]~~ district administrator or the
1-62 administrator's designee shall destroy the information in
1-63 accordance with the ~~[public]~~ hospital's or ~~[hospital]~~ district's
1-64 document destruction procedures.

2-1 (g) A public or nonprofit hospital, a hospital district, a
2-2 member of the governing board of the [~~public~~] hospital or
2-3 [~~hospital~~] district, or an employee of a [~~public~~] hospital or
2-4 [~~hospital~~] district is not civilly liable for failure to comply
2-5 with this chapter if the [~~public~~] hospital or [~~hospital~~] district
2-6 makes a good faith effort to comply.

2-7 SECTION 2. This Act takes effect immediately if it receives
2-8 a vote of two-thirds of all the members elected to each house, as
2-9 provided by Section 39, Article III, Texas Constitution. If this
2-10 Act does not receive the vote necessary for immediate effect, this
2-11 Act takes effect September 1, 2003.

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