

By: Zaffirini

S.B. No. 923

A BILL TO BE ENTITLED

AN ACT

1
2 relating to criminal history checks of certain employees and
3 applicants for employment in nursing homes and to the period within
4 which a nursing home must request certain criminal history checks.

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

6 SECTION 1. Sections 250.003(a) and (b), Health and Safety
7 Code, are amended to read as follows:

8 (a) A facility may not employ a person if the facility
9 determines, as a result of a criminal history check, that a person
10 has been convicted of an offense listed in this chapter that bars
11 employment or that a conviction is a contraindication to employment
12 with the consumers the facility serves, and if the applicant is a
13 nurse aide, until the facility further verifies that the applicant
14 is listed in the nurse aide registry and verifies that the applicant
15 is not designated in the registry as having a finding entered into
16 the registry concerning abuse, neglect, or mistreatment of a
17 consumer of a facility, or misappropriation of a consumer's
18 property. Except for an applicant for employment at or an employee
19 of a facility licensed under Chapter 242, a [A] person licensed
20 under another law of this state is exempt from the requirements of
21 this chapter.

22 (b) The facility may not employ an applicant covered by
23 Subsection (a), except that in an emergency requiring immediate
24 employment, a facility may hire on a temporary or interim basis a

1 person not listed in the registry pending the results of a criminal
2 conviction check, which must be requested:

- 3 (1) within 72 hours of employment; or
4 (2) if the facility is licensed under Chapter 242,
5 within 24 hours of employment.

6 SECTION 2. Section 250.006, Health and Safety Code, is
7 amended by adding Subsection (c) to read as follows:

8 (c) In addition to the prohibitions on employment
9 prescribed by Subsections (a) and (b), a person for whom a facility
10 licensed under Chapter 242 is entitled to obtain criminal history
11 record information may not be employed in a facility licensed under
12 Chapter 242 if the person has been convicted:

13 (1) of an offense under Section 30.02, Penal Code
14 (burglary); or

15 (2) under the laws of another state, federal law, or
16 the Uniform Code of Military Justice for an offense containing
17 elements that are substantially similar to the elements of an
18 offense under Section 30.02, Penal Code.

19 SECTION 3. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2003.