

1-1 By: Zaffirini S.B. No. 923  
1-2 (In the Senate - Filed March 6, 2003; March 11, 2003, read  
1-3 first time and referred to Committee on Health and Human Services;  
1-4 April 29, 2003, reported favorably, as amended, by the following  
1-5 vote: Yeas 9, Nays 0; April 29, 2003, sent to printer.)

1-6 COMMITTEE AMENDMENT NO. 1 By: Lindsay

1-7 Amend S.B. No. 923 as follows:

- 1-8 (1) On page 1, line 35, between "Chapter 242" and "," insert  
1-9 "or Chapter 247".  
1-10 (2) On page 1, line 44, between "Chapter 242" and "," insert  
1-11 "or Chapter 247".  
1-12 (3) On page 1, line 50, between "Chapter 242" and "is"  
1-13 insert "or Chapter 247".  
1-14 (4) On page 1, line 52, between "Chapter 242" and "if"  
1-15 insert "or Chapter 247".

1-16 A BILL TO BE ENTITLED  
1-17 AN ACT

1-18 relating to criminal history checks of certain employees and  
1-19 applicants for employment in nursing homes and to the period within  
1-20 which a nursing home must request certain criminal history checks.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subsections (a) and (b), Section 250.003, Health  
1-23 and Safety Code, are amended to read as follows:

1-24 (a) A facility may not employ a person if the facility  
1-25 determines, as a result of a criminal history check, that a person  
1-26 has been convicted of an offense listed in this chapter that bars  
1-27 employment or that a conviction is a contraindication to employment  
1-28 with the consumers the facility serves, and if the applicant is a  
1-29 nurse aide, until the facility further verifies that the applicant  
1-30 is listed in the nurse aide registry and verifies that the applicant  
1-31 is not designated in the registry as having a finding entered into  
1-32 the registry concerning abuse, neglect, or mistreatment of a  
1-33 consumer of a facility, or misappropriation of a consumer's  
1-34 property. Except for an applicant for employment at or an employee  
1-35 of a facility licensed under Chapter 242, a [A] person licensed  
1-36 under another law of this state is exempt from the requirements of  
1-37 this chapter.

1-38 (b) The facility may not employ an applicant covered by  
1-39 Subsection (a), except that in an emergency requiring immediate  
1-40 employment, a facility may hire on a temporary or interim basis a  
1-41 person not listed in the registry pending the results of a criminal  
1-42 conviction check, which must be requested:

- 1-43 (1) within 72 hours of employment; or  
1-44 (2) if the facility is licensed under Chapter 242,  
1-45 within 24 hours of employment.

1-46 SECTION 2. Section 250.006, Health and Safety Code, is  
1-47 amended by adding Subsection (c) to read as follows:

1-48 (c) In addition to the prohibitions on employment  
1-49 prescribed by Subsections (a) and (b), a person for whom a facility  
1-50 licensed under Chapter 242 is entitled to obtain criminal history  
1-51 record information may not be employed in a facility licensed under  
1-52 Chapter 242 if the person has been convicted:

- 1-53 (1) of an offense under Section 30.02, Penal Code  
1-54 (burglary); or  
1-55 (2) under the laws of another state, federal law, or  
1-56 the Uniform Code of Military Justice for an offense containing  
1-57 elements that are substantially similar to the elements of an  
1-58 offense under Section 30.02, Penal Code.

1-59 SECTION 3. This Act takes effect immediately if it receives  
1-60 a vote of two-thirds of all the members elected to each house, as  
1-61 provided by Section 39, Article III, Texas Constitution. If this  
1-62 Act does not receive the vote necessary for immediate effect, this

2-1 Act takes effect September 1, 2003.

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