

Amend SB 1318 on third reading by adding the following SECTIONS, appropriately numbered, and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 142.009(c), Health and Safety Code, is amended to read as follows:

(c) The department or its authorized representative shall investigate each complaint received regarding the provision of home health, hospice, or personal assistance services, including any allegation of abuse, neglect, or exploitation of a child under the age of 18, and may, as a part of the investigation:

(1) conduct an unannounced survey of a place of business, including an inspection of medical and personnel records, if the department has reasonable cause to believe that the place of business is in violation of this chapter or a rule adopted under this chapter;

(2) conduct an interview with a recipient of home health, hospice, or personal assistance services, which may be conducted in the recipient's home if the recipient consents;

(3) conduct an interview with a family member of a recipient of home health, hospice, or personal assistance services who is deceased or other person who may have knowledge of the care received by the deceased recipient of the home health, hospice, or personal assistance services; or

(4) interview a physician or other health care practitioner, including a member of the personnel of a home and community support services agency, who cares for a recipient of home health, hospice, or personal assistance services.

SECTION _____. Section 253.001(4), Health and Safety Code, is amended to read as follows:

(4) "Facility" means:

(A) a facility licensed by the department; ~~[or]~~

(B) an adult foster care provider that contracts with the department; or

(C) a home and community support services agency licensed by the department under Chapter 142.

SECTION _____. Section 253.008, Health and Safety Code, is amended to read as follows:

Sec. 253.008. VERIFICATION OF EMPLOYABILITY. (a) Before a facility[~~, an agency licensed under Chapter 142,~~] or a person exempt from licensing under Section 142.003(a)(19) may hire an employee, the facility[~~, agency,~~] or person shall search the employee misconduct registry under this chapter and the nurse aide registry maintained under the Omnibus Budget Reconciliation Act of 1987 (Pub. L. No. 100-203) to determine whether the applicant for employment is designated in either registry as having abused, neglected, or exploited a resident or consumer of a facility or an individual receiving services from a facility [~~an agency licensed under Chapter 142~~] or from a person exempt from licensing under Section 142.003(a)(19).

(b) A facility[~~, agency licensed under Chapter 142,~~] or a person exempt from licensing under Section 142.003(a)(19) may not employ a person who is listed in either registry as having abused, neglected, or exploited a resident or consumer of a facility or an individual receiving services from a facility [~~an agency licensed under Chapter 142~~] or from a person exempt from licensing under Section 142.003(a)(19).

SECTION _____. Section 253.009(a), Health and Safety Code, is amended to read as follows:

(a) Each facility[~~, each agency licensed under Chapter 142,~~] and each person exempt from licensing under Section 142.003(a)(19) shall notify its employees in a manner prescribed by the department:

- (1) about the employee misconduct registry; and
- (2) that an employee may not be employed if the employee is listed in the registry.