

BILL ANALYSIS

C.S.H.B. 2329
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Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Texas law provides that certain facilities serving the elderly or persons with disabilities may not employ persons convicted of certain offenses. This law was enacted to protect the elderly from abuse or neglect. However, the list of offenses does not include obstruction or retaliation.

C.S.H.B. 2329 prohibits certain facilities serving the elderly or persons with disabilities from hiring a person who has been convicted of obstruction or retaliation. The bill adds the solicitation of a gift from a resident or consumer of a facility to the list of actions that constitute "reportable conduct" for purposes of inclusion in a registry of employee misconduct.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2329 amends the Health and Safety Code to add the offense of obstruction or retaliation to the list of offenses a conviction of which disqualifies a person from being employed in a facility serving the elderly or persons with disabilities. The bill adds the solicitation of a gift from a resident or consumer of a facility to the list of actions that constitute "reportable conduct" for the purposes of inclusion in the employee misconduct registry maintained by the Department of Aging and Disability Services.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2329 differs from the original by adding the solicitation of a gift from a resident or consumer of a facility to the list of actions that constitute "reportable conduct" for the purposes of inclusion in the employee misconduct registry maintained by the Department of Aging and Disability Services, whereas the original prohibits an employee of a facility from soliciting, accepting, or agreeing to accept, in any month, one or more gifts with a total value of \$100 or more from a resident or consumer and provides that an employee who violates this prohibition commits reportable conduct for purposes of the employee misconduct registry.