

## **BILL ANALYSIS**

H.B. 3737  
By: Anchia  
Human Services  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

AIDS Services of Dallas is a special care facility that provides care and housing for families with a family member who is living with HIV. Last year the group received an inquiry from the Texas Department of Public Safety (DPS) regarding statutory authority for conducting criminal background checks of prospective employees, residents, and volunteers.

After reviewing the statutes pertaining to special care facilities under Chapter 248, Health and Safety Code, they found no authority for conducting criminal background checks. The provisions of Chapter 250, Health and Safety Code, entitle a facility that serves the elderly or persons with disabilities to obtain from DPS criminal history information maintained by DPS that relates to a person who is an applicant for employment at a facility other than a facility licensed as a home and community services facility, an employee of a facility other than a facility licensed as a home and community home services facility, or an applicant for employment at or an employee of a facility licensed under the provisions governing home and community support services whose employment duties would or do involve direct contact with a consumer in the facility. However, a specialty care facility is not listed among the facilities authorized to obtain the criminal history information maintained by DPS and, therefore, may unwittingly employ an individual who has a history of criminal convictions that would otherwise prevent the facility from hiring the applicant for employment or continuing to employ that individual.

H.B. 3737 addresses this problem by adding specialty care facilities to the list of health facilities that may obtain criminal history checks of employees and applicants for employment from a private agency or DPS.

### **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**

H.B. 3737 amends the Health and Safety Code to add a special care facility licensed by the Department of State Health Services under the provisions governing special care facilities to the list of entities defined as a "facility" that serves the elderly or persons with disabilities and is required to perform criminal history checks on all employees and applicants for employment. The bill makes technical corrections to reflect the health and human services reorganization under Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003.

### **EFFECTIVE DATE**

September 1, 2009.