

AN ACT

relating to prohibiting contact between an employee of a facility that serves the elderly or disabled persons, whose criminal history has not been verified, and a patient or resident of the facility.

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

SECTION 1. Section 250.003, Health and Safety Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) If a facility employs a person pending a criminal history check, the facility shall ensure that the person has no direct contact with a consumer until the facility obtains the person's criminal history record information and verifies the person's employability under Section 250.006.

SECTION 2. The change in law made by this Act applies only to the initial employment of a person by a facility regulated by Chapter 250, Health and Safety Code, on or after the effective date of this Act. The employment of a person by a facility regulated by Chapter 250, Health and Safety Code, before the effective date of this Act is governed by the law in effect at the time the facility hired the employee, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 2191 was passed by the House on May 4, 2009, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2191 was passed by the Senate on May 21, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor