

By: Guillen

H.B. No. 2329

Substitute the following for H.B. No. 2329:

By: Rose

C.S.H.B. No. 2329

A BILL TO BE ENTITLED

1 AN ACT

2 relating to employment at or by certain facilities serving the
3 elderly or person with disabilities.

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

5 SECTION 1. Section 250.006(a), Health and Safety Code, is
6 amended to read as follows:

7 (a) A person for whom the facility is entitled to obtain
8 criminal history record information may not be employed in a
9 facility if the person has been convicted of an offense listed in
10 this subsection:

11 (1) an offense under Chapter 19, Penal Code (criminal
12 homicide);

13 (2) an offense under Chapter 20, Penal Code
14 (kidnapping and unlawful restraint);

15 (3) an offense under Section 21.02, Penal Code
16 (continuous sexual abuse of young child or children), or Section
17 21.11, Penal Code (indecent with a child);

18 (4) an offense under Section 22.011, Penal Code
19 (sexual assault);

20 (5) an offense under Section 22.02, Penal Code
21 (aggravated assault);

22 (6) an offense under Section 22.04, Penal Code (injury
23 to a child, elderly individual, or disabled individual);

24 (7) an offense under Section 22.041, Penal Code

- 1 (abandoning or endangering child);
- 2 (8) an offense under Section 22.08, Penal Code (aiding
- 3 suicide);
- 4 (9) an offense under Section 25.031, Penal Code
- 5 (agreement to abduct from custody);
- 6 (10) an offense under Section 25.08, Penal Code (sale
- 7 or purchase of a child);
- 8 (11) an offense under Section 28.02, Penal Code
- 9 (arson);
- 10 (12) an offense under Section 29.02, Penal Code
- 11 (robbery);
- 12 (13) an offense under Section 29.03, Penal Code
- 13 (aggravated robbery);
- 14 (14) an offense under Section 21.08, Penal Code
- 15 (indecent exposure);
- 16 (15) an offense under Section 21.12, Penal Code
- 17 (improper relationship between educator and student);
- 18 (16) an offense under Section 21.15, Penal Code
- 19 (improper photography or visual recording);
- 20 (17) an offense under Section 22.05, Penal Code
- 21 (deadly conduct);
- 22 (18) an offense under Section 22.021, Penal Code
- 23 (aggravated sexual assault);
- 24 (19) an offense under Section 22.07, Penal Code
- 25 (terroristic threat);
- 26 (20) an offense under Section 33.021, Penal Code
- 27 (online solicitation of a minor);

1 (21) an offense under Section 34.02, Penal Code (money
2 laundering);

3 (22) an offense under Section 35A.02, Penal Code
4 (Medicaid fraud);

5 (23) an offense under Section 36.06, Penal Code
6 (obstruction or retaliation);

7 (24) an offense under Section 42.09, Penal Code
8 (cruelty to animals); or

9 (25) [~~24~~] a conviction under the laws of another
10 state, federal law, or the Uniform Code of Military Justice for an
11 offense containing elements that are substantially similar to the
12 elements of an offense listed by this subsection.

13 SECTION 2. The heading to Chapter 253, Health and Safety
14 Code, is amended to read as follows:

15 CHAPTER 253. CERTAIN EMPLOYEE MISCONDUCT; REGISTRY

16 SECTION 3. Section 253.001(5), Health and Safety Code, is
17 amended to read as follows:

18 (5) "Reportable conduct" includes:

19 (A) abuse or neglect that causes or may cause
20 death or harm to a resident or consumer of a facility;

21 (B) sexual abuse of a resident or consumer of a
22 facility;

23 (C) financial exploitation of a resident or
24 consumer of a facility in an amount of \$25 or more; [~~and~~]

25 (D) emotional, verbal, or psychological abuse
26 that causes harm to a resident or consumer of a facility; and

27 (E) solicitation of a gift from a resident or

1 consumer of a facility.

2 SECTION 4. This Act takes effect September 1, 2009.