

AN ACT

relating to authorizing the Department of State Health Services to obtain criminal history record information for certain applicants for employment.

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

SECTION 1. Section 411.110, Government Code, is amended by amending Subsections (a), (c), and (d) and adding Subsection (f) to read as follows:

(a) The Department of State Health Services is entitled to obtain from the department criminal history record information maintained by the department that relates to:

(1) a person who is:

(A) an applicant for a license or certificate under the Emergency Medical Services Act (Chapter 773, Health and Safety Code);

(B) an owner or manager of an applicant for an emergency medical services provider license under that Act; or

(C) the holder of a license or certificate under that Act;

(2) an applicant for a license or a license holder under Subchapter N, Chapter 431, Health and Safety Code; ~~or~~

(3) an applicant for a license, the owner or manager of an applicant for a massage establishment license, or a license holder under Chapter 455, Occupations Code;

1 (4) an applicant for employment at or current employee
2 of:

3 (A) the Texas Center for Infectious Disease; or

4 (B) the South Texas Health Care System; or

5 (5) an applicant for employment at, current employee
6 of, or person who contracts or may contract to provide goods or
7 services with:

8 (A) the vital statistics unit of the Department
9 of State Health Services; or

10 (B) the Council on Sex Offender Treatment or
11 other division or component of the Department of State Health
12 Services that monitors sexually violent predators as described by
13 Section 841.003(a), Health and Safety Code.

14 (c) After an entity is licensed or certified, the Department
15 of State Health Services shall destroy the criminal history record
16 information that relates to that entity. The Department of State
17 Health Services shall destroy the criminal history record
18 information that relates to:

19 (1) an applicant for employment after that applicant
20 is employed or, for an applicant who is not employed, after the
21 check of the criminal history record information on that applicant
22 is completed; or

23 (2) an employee or contractor after the check of the
24 criminal history record information on that employee or contractor
25 is completed.

26 (d) The Department of State Health Services shall destroy
27 criminal history record information that relates to an applicant

1 who ~~[that]~~ is not certified or employed, as applicable.

2 (f) The Department of State Health Services may not consider
3 offenses for which points are assessed under Section 708.052,
4 Transportation Code, to determine whether to hire or retain an
5 employee or to contract with a person on whom criminal history
6 record information is obtained under this section.

7 SECTION 2. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2009.

H.B. No. 2917

President of the Senate

Speaker of the House

I certify that H.B. No. 2917 was passed by the House on May 15, 2009, by the following vote: Yeas 144, Nays 0, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 2917 on May 29, 2009, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2917 on May 31, 2009, by the following vote: Yeas 137, Nays 0, 1 present, not voting.

Chief Clerk of the House

H.B. No. 2917

I certify that H.B. No. 2917 was passed by the Senate, with amendments, on May 26, 2009, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2917 on May 31, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor