

1-1 By: McReynolds (Senate Sponsor - Shapiro) H.B. No. 2917
1-2 (In the Senate - Received from the House May 18, 2009;
1-3 May 19, 2009, read first time and referred to Committee on Health
1-4 and Human Services; May 21, 2009, reported favorably by the
1-5 following vote: Yeas 8, Nays 0; May 21, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to authorizing the Department of State Health Services to
1-9 obtain criminal history record information for certain applicants
1-10 for employment.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Sections 411.110(a), (c), and (d), Government
1-13 Code, are amended to read as follows:

1-14 (a) The Department of State Health Services is entitled to
1-15 obtain from the department criminal history record information
1-16 maintained by the department that relates to:

1-17 (1) a person who is:

1-18 (A) an applicant for a license or certificate
1-19 under the Emergency Medical Services Act (Chapter 773, Health and
1-20 Safety Code);

1-21 (B) an owner or manager of an applicant for an
1-22 emergency medical services provider license under that Act; or

1-23 (C) the holder of a license or certificate under
1-24 that Act;

1-25 (2) an applicant for a license or a license holder
1-26 under Subchapter N, Chapter 431, Health and Safety Code; ~~or~~

1-27 (3) an applicant for a license, the owner or manager of
1-28 an applicant for a massage establishment license, or a license
1-29 holder under Chapter 455, Occupations Code;

1-30 (4) an applicant for employment at or current employee
1-31 of:

1-32 (A) the Texas Center for Infectious Disease; or

1-33 (B) the South Texas Health Care System; or

1-34 (5) an applicant for employment at, current employee
1-35 of, or person who contracts or may contract to provide goods or
1-36 services with:

1-37 (A) the vital statistics unit of the Department
1-38 of State Health Services; or

1-39 (B) the Council on Sex Offender Treatment or
1-40 other division or component of the Department of State Health
1-41 Services that monitors sexually violent predators as described by
1-42 Section 841.003(a), Health and Safety Code.

1-43 (c) After an entity is licensed or certified, the Department
1-44 of State Health Services shall destroy the criminal history record
1-45 information that relates to that entity. The Department of State
1-46 Health Services shall destroy the criminal history record
1-47 information that relates to:

1-48 (1) an applicant for employment after that applicant
1-49 is employed or, for an applicant who is not employed, after the
1-50 check of the criminal history record information on that applicant
1-51 is completed; or

1-52 (2) an employee or contractor after the check of the
1-53 criminal history record information on that employee or contractor
1-54 is completed.

1-55 (d) The Department of State Health Services shall destroy
1-56 criminal history record information that relates to an applicant
1-57 who ~~that~~ is not certified or employed, as applicable.

1-58 SECTION 2. This Act takes effect immediately if it receives
1-59 a vote of two-thirds of all the members elected to each house, as
1-60 provided by Section 39, Article III, Texas Constitution. If this
1-61 Act does not receive the vote necessary for immediate effect, this
1-62 Act takes effect September 1, 2009.

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