

By: Anchia, Moody

H.B. No. 3737

A BILL TO BE ENTITLED

AN ACT

relating to criminal history checks for employees of, and applicants for employment at, special care facilities.

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

SECTION 1. The heading to Chapter 250, Health and Safety Code, is amended to read as follows:

CHAPTER 250. NURSE AIDE REGISTRY AND CRIMINAL HISTORY CHECKS OF EMPLOYEES AND APPLICANTS FOR EMPLOYMENT IN CERTAIN FACILITIES SERVING THE ELDERLY, ~~[OR]~~ PERSONS WITH DISABILITIES, OR PERSONS WITH TERMINAL ILLNESSES

SECTION 2. Section 250.001(3), Health and Safety Code, is amended to read as follows:

(3) "Facility" means:

(A) a nursing home, custodial care home, or other institution licensed by the ~~[Texas]~~ Department of Aging and Disability ~~[Human]~~ Services under Chapter 242;

(B) an assisted living facility licensed by the ~~[Texas]~~ Department of Aging and Disability ~~[Human]~~ Services under Chapter 247;

(C) a home and community support services agency licensed under Chapter 142;

(D) an adult day care facility licensed by the ~~[Texas]~~ Department of Aging and Disability ~~[Human]~~ Services under Chapter 103, Human Resources Code;

1 (E) a facility for persons with mental
2 retardation licensed under Chapter 252;

3 (F) an adult foster care provider that contracts
4 with the ~~[Texas]~~ Department of Aging and Disability ~~[Human]~~
5 Services;

6 (G) a facility that provides mental health
7 services and that is operated by or contracts with the ~~[Texas]~~
8 Department of State ~~[Mental]~~ Health Services ~~[and—Mental]~~
9 ~~Retardation]~~;

10 (H) a local mental health or mental retardation
11 authority designated under Section 533.035; ~~[or]~~

12 (I) a person exempt from licensing under Section
13 142.003(a)(19); or

14 (J) a special care facility licensed by the
15 Department of State Health Services under Chapter 248.

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