

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;

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

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

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

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

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

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

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

H.B. No. 3737

President of the Senate

Speaker of the House

I certify that H.B. No. 3737 was passed by the House on May 6, 2009, by the following vote: Yeas 140, Nays 0, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 3737 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. 3737 on May 31, 2009, by the following vote: Yeas 142, Nays 0, 1 present, not voting.

Chief Clerk of the House

H.B. No. 3737

I certify that H.B. No. 3737 was passed by the Senate, with amendments, on May 25, 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. 3737 on May 31, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor