

1-1 By: Anchia, Moody (Senate Sponsor - Davis) H.B. No. 3737
1-2 (In the Senate - Received from the House May 7, 2009;
1-3 May 8, 2009, read first time and referred to Committee on Health
1-4 and Human Services; May 20, 2009, reported favorably by the
1-5 following vote: Yeas 8, Nays 0; May 20, 2009, sent to printer.)

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

1-8 relating to criminal history checks for employees of, and
1-9 applicants for employment at, special care facilities.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. The heading to Chapter 250, Health and Safety
1-12 Code, is amended to read as follows:

1-13 CHAPTER 250. NURSE AIDE REGISTRY AND CRIMINAL HISTORY CHECKS OF
1-14 EMPLOYEES AND APPLICANTS FOR EMPLOYMENT IN CERTAIN FACILITIES
1-15 SERVING THE ELDERLY, ~~[OR]~~ PERSONS WITH DISABILITIES, OR PERSONS
1-16 WITH TERMINAL ILLNESSES

1-17 SECTION 2. Section 250.001(3), Health and Safety Code, is
1-18 amended to read as follows:

1-19 (3) "Facility" means:

1-20 (A) a nursing home, custodial care home, or other
1-21 institution licensed by the ~~[Texas]~~ Department of Aging and
1-22 Disability ~~[Human]~~ Services under Chapter 242;

1-23 (B) an assisted living facility licensed by the
1-24 ~~[Texas]~~ Department of Aging and Disability ~~[Human]~~ Services under
1-25 Chapter 247;

1-26 (C) a home and community support services agency
1-27 licensed under Chapter 142;

1-28 (D) an adult day care facility licensed by the
1-29 ~~[Texas]~~ Department of Aging and Disability ~~[Human]~~ Services under
1-30 Chapter 103, Human Resources Code;

1-31 (E) a facility for persons with mental
1-32 retardation licensed under Chapter 252;

1-33 (F) an adult foster care provider that contracts
1-34 with the ~~[Texas]~~ Department of Aging and Disability ~~[Human]~~
1-35 Services;

1-36 (G) a facility that provides mental health
1-37 services and that is operated by or contracts with the ~~[Texas]~~
1-38 Department of State ~~[Mental]~~ Health Services ~~[and—Mental~~
1-39 ~~Retardation]~~;

1-40 (H) a local mental health or mental retardation
1-41 authority designated under Section 533.035; ~~[or]~~

1-42 (I) a person exempt from licensing under Section
1-43 142.003(a)(19); or

1-44 (J) a special care facility licensed by the
1-45 Department of State Health Services under Chapter 248.

1-46 SECTION 3. This Act takes effect September 1, 2009.

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