

BILL ANALYSIS

H.B. 729
By: Price
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law entitles a public or nonprofit hospital or a hospital district to obtain from the Department of Public Safety (DPS) criminal history record information maintained by DPS relating to hospital or district employees and volunteers and applicants for employment or a volunteer position, and certain applicants and employees of contracting entities. Similarly, the law entitles certain health facilities, regulatory agencies, and private agencies, to obtain such criminal history record information from DPS relating to employees and applicants for employment. However, interested parties observe that these facilities and agencies are not specifically entitled to obtain criminal background checks on contractors and volunteers, even if the contractors or volunteers have access to patients.

In the interest of furthering the safety and privacy of patients and residents of these entities, H.B. 729 seeks to ensure that certain entities that need such information are able to obtain criminal history record information from DPS regarding individuals who provide services at health care facilities.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 729 amends the Government Code to add a student enrolled in an educational program or course of study who is at a public or nonprofit hospital or a hospital owned or operated by a hospital district for educational purposes to the persons about whom the hospital or hospital district is entitled to obtain criminal history record information from the Department of Public Safety (DPS). The bill makes a provision entitling certain entities to obtain from DPS criminal history record information maintained by DPS that relates to a person who is an applicant for employment at or an employee of certain health facilities or, if the duties of employment involve direct contact with a consumer of the facility, an applicant for employment at or an employee of a home and community support services agency applicable only to the regulatory agency of the health facility. The bill entitles certain health facilities or a private agency acting on behalf of such a health facility to obtain from DPS criminal history record information maintained by DPS that relates to a person who is an applicant for employment with, an employee of, or a volunteer with the facility; an applicant for employment with or an employee of a person or business that contracts with the facility; or a student enrolled in an educational program or course of study who is at the facility for educational purposes.

H.B. 729 adds certain health facilities to the noncriminal justice agencies or entities to which a criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure.

H.B. 729 amends the Health and Safety Code to make a provision entitling certain entities to

obtain from DPS criminal history record information maintained by DPS that relates to a person who is an applicant for employment at certain health facilities, an employee of certain health facilities, an applicant for employment at or an employee of a home and community support services agency whose employment duties would or do involve direct contact with a consumer in the facility, or an applicant for employment by or an employee of an individual employer applicable only to the regulatory agency of the health facility or a financial management services agency on behalf of an individual employer. The bill entitles certain health facilities or a private agency acting on behalf of such a facility to obtain from DPS criminal history record information maintained by DPS that relates to a person who is an applicant for employment with, an employee of, or a volunteer with the facility; an applicant for employment with or an employee of a person or business that contracts with the facility; an applicant for employment by or an employee of an individual employer; or a student enrolled in an educational program or course of study who is at the facility for educational purposes.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.