

BILL ANALYSIS

C.S.H.B. 2392
By: Klick
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There are concerns that more should be done to ensure that background checks for employees of assisted living facilities will identify job applicants who have moved to Texas with histories of abuse or neglect or other disqualifying crimes. C.S.H.B. 2392 seeks to address these concerns by ensuring that individuals who come to work at these facilities are better vetted.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

C.S.H.B. 2392 amends the Health and Safety Code to prohibit a state licensed assisted living facility from employing at the facility an applicant who fails to indicate in a written statement developed by the Health and Human Services Commission (HHSC) and included with the submitted employment application that the applicant has not been convicted of an offense which would bar employment under state law. The bill establishes that a person who commits an offense in another state that is substantially similar to such an offense is considered to have committed the offense barring employment in Texas. The bill requires the facility, before employing the applicant in a permanent position, to conduct a name-based criminal history check in each state in which the applicant previously resided if the applicant states in the application that the applicant resided in another state during the five years preceding the application date. The bill requires HHSC to develop and make available on its website the required employment application statement. The bill requires an assisted living facility, if the facility employs a person pending an out-of-state criminal history check, to ensure that the person has no direct contact with a resident until the facility obtains the person's criminal history record information and verifies the person is not barred from employment.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2392 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute conditions the requirement for a facility to conduct a criminal history check in each state in which an applicant previously resided on the facility conducting the check before employing the applicant in a permanent position. The substitute includes a requirement that the criminal history check be name-based.

The substitute includes a requirement for a facility that employs a person pending an out-of-state criminal history check to ensure that the person has no direct contact with a resident until the facility obtains the person's criminal history record information and verifies the person is not barred from employment.