

By: Leach

H.B. No. 3170

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the establishment of an interim registry for certain
3 persons who have been accused of employee misconduct who are
4 employed by a facility that provides care to individuals with an
5 intellectual disability.

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

7 SECTION 1. Section 253.003, Health and Safety Code, is
8 amended by adding Subsection (d) to read as follows:

9 (d) If the employee notified of the violation makes a timely
10 request for a hearing on the determination, the commission shall
11 record the reportable conduct in the interim registry under Section
12 253.0035 in a manner that is consistent with that section.

13 SECTION 2. Chapter 253, Health and Safety Code, is amended
14 by adding Section 253.0035 to read as follows:

15 Sec. 253.0035. INTERIM REGISTRY. (a) The commission shall
16 establish an interim registry of employees against whom a
17 determination or finding of reportable conduct is made and who have
18 made timely requests for hearings on the determinations or findings
19 under Section 253.003 of this code or Section 48.404, Human
20 Resources Code. The information included in the interim registry
21 must include:

22 (1) the employee's name;

23 (2) the employee's address;

24 (3) the employee's social security number;

1 (4) the name of the facility or individual employer of
2 the employee;

3 (5) the address of the facility or individual employer
4 of the employee;

5 (6) the date on which the reportable conduct occurred;
6 and

7 (7) a description of the reportable conduct.

8 (b) The executive commissioner by rule shall require a
9 provider participating in the home and community-based services
10 (HCS) waiver program or the Texas home living (TxHmL) waiver
11 program to take necessary actions regarding an employee who is
12 included in the interim registry. The actions taken by a provider
13 under this subsection:

14 (1) must be based on the seriousness of the reportable
15 conduct for which the employee is included in the interim registry;
16 and

17 (2) may include:

18 (A) additional monitoring;

19 (B) reassignment; or

20 (C) suspension.

21 (c) The commission immediately shall remove an employee
22 from the interim registry after a final decision on the reportable
23 conduct is made and all rights to appeal the decision have been
24 exhausted.

25 (d) Information contained in the interim registry is
26 confidential and not subject to disclosure under Chapter 552,
27 Government Code. Confidential information contained in the interim

1 registry may be disclosed to appropriate persons only in accordance
2 with commission rules.

3 SECTION 3. Section 48.404, Human Resources Code, is amended
4 by adding Subsection (d) to read as follows:

5 (d) If the employee notified of the violation makes a timely
6 request for a hearing on the finding, the commission shall record
7 the reportable conduct in the interim registry under Section
8 253.0035, Health and Safety Code, in a manner that is consistent
9 with that section.

10 SECTION 4. As soon as practicable after the effective date
11 of this Act, the executive commissioner of the Health and Human
12 Services Commission shall adopt rules as necessary to implement the
13 changes in law made by this Act.

14 SECTION 5. This Act takes effect September 1, 2019.