

BILL ANALYSIS

C.S.H.B. 3044
By: Howard
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There are concerns that certain facilities that employ home health aides are not obtaining thorough information from criminal background checks on job applicants, which poses a significant safety risk for families seeking the help of such aides. Home health aides provide personal support services and are allowed into their patients' homes without the direct supervision of a certified nurse or physician. Given the nature of the role, it is important that these aides can be trusted to be alone with their patients, and a more thorough background check could help with this. C.S.H.B. 3044 seeks to address these concerns by requiring certain facilities, or a private agency acting on behalf of the facility, to obtain from the Department of Public Safety (DPS) criminal history record information maintained by DPS or an equivalent or enhanced background check that relates to a person who is an applicant for employment with, an employee of, or a volunteer with the facility.

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. 3044 amends the Government Code and Health and Safety Code to require certain facilities serving the elderly, persons with disabilities, or persons with terminal illnesses, or a private agency acting on behalf of the facility, to obtain from the Department of Public Safety (DPS) criminal history record information maintained by DPS or an equivalent or enhanced background check that relates to a person who is an applicant for employment with, an employee of, or a volunteer with the facility.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3044 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 includes provisions not in the original requiring certain facilities serving the elderly, persons with disabilities, or persons with terminal illnesses, or a private agency acting on behalf of the facility, to obtain from DPS criminal history record information maintained by DPS or an equivalent or enhanced background check that relates to an applicant for employment with, an employee of, or a volunteer with the facility. The substitute does not include any of the provisions from the original, which provided for the manner in which such criminal history record information must be obtained by a licensed home and community support services agency and certain persons exempt from licensure as such an agency, although those agencies and persons are included among the facilities subject to the substitute's provisions.