

BILL ANALYSIS

S.B. 271
By: Perry
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that the current system of background checks for employees of assisted living facilities does not effectively ensure that a job applicant who has moved to Texas with a history of abuse or neglect or other disqualifying convictions in another state will be identified prior to employment. The state does not require that a facility conduct a criminal history check of an applicant for convictions that may have occurred in another state or require that an applicant disclose whether they have been convicted of a disqualifying offense. S.B. 271 seeks to address this issue by requiring an assisted living facility to conduct a name-based criminal history check in each state in which an applicant for employment previously resided if the applicant moved to Texas within five years of the application date and by requiring that all applicants deny in a statement submitted as part of the application that they have not been convicted of an offense that would bar them from employment in the facility under state law.

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

S.B. 271 amends the Health and Safety Code to require the Health and Human Services Commission (HHSC) to develop and make available to assisted living facilities on the HHSC website a written statement to be included in employment applications on which applicants must indicate whether they have been convicted of an offense that, under state law, bars the applicant from employment at a health facility serving the elderly, persons with disabilities, or persons with terminal illnesses. The bill prohibits a state-licensed assisted living facility from employing at the facility an applicant who fails to indicate in the statement included with their submitted application that the applicant has not been convicted of such an offense. For purposes of these provisions, a person who commits an offense in another state that is substantially similar to an offense that would bar them from employment is considered to have committed an applicable offense under state law.

S.B. 271 requires an assisted living facility that receives an employment application from an applicant who states in the application that they resided in another state during the five years preceding the application date to conduct a name-based criminal history check in each state in which the applicant previously resided before employing the applicant in a permanent position. If a facility employs a person pending an out-of-state criminal history check, the facility must ensure 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 due to conviction of an applicable offense.

EFFECTIVE DATE

September 1, 2021.