

By: Perry

S.B. No. 271

A BILL TO BE ENTITLED

AN ACT

relating to applicants for employment at assisted living facilities.

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

SECTION 1. Subchapter D, Chapter 247, Health and Safety Code, is amended by adding Section 247.072 to read as follows:

Sec. 247.072. APPLICANTS FOR EMPLOYMENT; CRIMINAL HISTORY CHECK. (a) In addition to the prohibitions provided by Section 250.003, an assisted living facility licensed under this chapter may not employ at the facility an applicant who fails to indicate in a written statement developed by the commission and included with the submitted application that the applicant has not been convicted of an offense described by Section 250.006. For purposes of this subsection, a person who commits an offense in another state that is substantially similar to an offense described by Section 250.006 is considered to have committed the offense described by that section.

(b) If an applicant for employment at an assisted living facility states in the application that the applicant resided in another state during the five years preceding the date of the application, the facility, before employing the applicant in a permanent position, shall conduct a name-based criminal history check in each state in which the applicant previously resided.

(c) The commission shall develop the statement described by Subsection (a) and make the statement available to assisted living

1 facilities on the commission's Internet website.

2 (d) If an assisted living facility employs a person pending  
3 an out-of-state criminal history check under Subsection (b), the  
4 facility shall ensure the person has no direct contact with a  
5 resident until the facility obtains the person's criminal history  
6 record information and verifies the person is not barred from  
7 employment under Section [250.006](#).

8 SECTION 2. Section 247.072, Health and Safety Code, as  
9 added by this Act, applies only to an application for employment at  
10 an assisted living facility submitted on or after the effective  
11 date of this Act.

12 SECTION 3. This Act takes effect September 1, 2021.