

1-1 By: Perry S.B. No. 271
 1-2 (In the Senate - Filed December 29, 2020; March 3, 2021,
 1-3 read first time and referred to Committee on Health & Human
 1-4 Services; March 26, 2021, reported favorably by the following
 1-5 vote: Yeas 8, Nays 0; March 26, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to applicants for employment at assisted living
 1-20 facilities.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-22 SECTION 1. Subchapter D, Chapter 247, Health and Safety
 1-23 Code, is amended by adding Section 247.072 to read as follows:

1-24 Sec. 247.072. APPLICANTS FOR EMPLOYMENT; CRIMINAL HISTORY
 1-25 CHECK. (a) In addition to the prohibitions provided by Section
 1-26 250.003, an assisted living facility licensed under this chapter
 1-27 may not employ at the facility an applicant who fails to indicate in
 1-28 a written statement developed by the commission and included with
 1-29 the submitted application that the applicant has not been convicted
 1-30 of an offense described by Section 250.006. For purposes of this
 1-31 subsection, a person who commits an offense in another state that is
 1-32 substantially similar to an offense described by Section 250.006 is
 1-33 considered to have committed the offense described by that section.

1-34 (b) If an applicant for employment at an assisted living
 1-35 facility states in the application that the applicant resided in
 1-36 another state during the five years preceding the date of the
 1-37 application, the facility, before employing the applicant in a
 1-38 permanent position, shall conduct a name-based criminal history
 1-39 check in each state in which the applicant previously resided.

1-40 (c) The commission shall develop the statement described by
 1-41 Subsection (a) and make the statement available to assisted living
 1-42 facilities on the commission's Internet website.

1-43 (d) If an assisted living facility employs a person pending
 1-44 an out-of-state criminal history check under Subsection (b), the
 1-45 facility shall ensure the person has no direct contact with a
 1-46 resident until the facility obtains the person's criminal history
 1-47 record information and verifies the person is not barred from
 1-48 employment under Section 250.006.

1-49 SECTION 2. Section 247.072, Health and Safety Code, as
 1-50 added by this Act, applies only to an application for employment at
 1-51 an assisted living facility submitted on or after the effective
 1-52 date of this Act.

1-53 SECTION 3. This Act takes effect September 1, 2021.

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