

BILL ANALYSIS

S.B. 681
By: Johnson
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Health and Human Services Commission Long-term Care Regulation (LTCR) is responsible for the licensing of nursing facility administrators, the certification of certified nurse aides, and the permitting of medication aides. Currently, all three of these programs are subject to Chapter 53, Occupations Code, which allows an agency to determine whether a conviction is related directly to an individual's license for purposes of establishing consequences of that conviction. However, Chapter 250, Health and Safety Code, identifies criminal convictions that bar an individual from working in an LTCR facility. These convictions do not correspond with those covered by Chapter 53, Occupations Code. Given the requirements to be considered for each individual applicant's conviction, it is possible to have someone licensed who cannot work in a long-term care facility or for a home and community support service agency. S.B. 681 seeks to exempt occupations regulated by LTCR from Chapter 53, Occupations Code, thus aligning the convictions used to determine licensure, certification, or permitting with the convictions used to determine employability.

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. 681 amends the Health and Safety Code to make provisions of the Occupations Code establishing the consequences of criminal conviction on occupational licensure inapplicable with respect to the following:

- the issuance or renewal of a license under provisions governing nursing facility administration;
- the issuance or renewal of a permit to administer medication to residents of convalescent and nursing facilities and related institutions; or
- the issuance or renewal of a certificate of registration for a nurse aide to work in certain facilities serving the elderly, persons with disabilities, or persons with terminal illnesses or an applicant's inclusion in the corresponding nurse aide registry.

The bill applies only to a license, permit, or certificate of registration issued or renewed on or after the bill's effective date. A license, permit, or certificate of registration issued or renewed before that date is governed by the law in effect when the license, permit, or certificate was issued or renewed, and the former law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2023.