

BILL ANALYSIS

S.B. 1192
By: Zaffirini
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, the Health and Human Services Commission (HHSC) may obtain criminal history record information relating to individuals under certain circumstances, including for provider investigations, child-care licensing, and ensuring compliance with long-term care regulations. However, HHSC does not have the authority to conduct criminal history record checks on all HHSC employees, volunteers, or contractors who have access to sensitive personal and confidential information or on certain applicants for an employment or volunteer position or for a contract with HHSC in which the individual would have access to that information. Further, current law does not provide HHSC with the authority to obtain criminal history record information regarding an applicant for a position in which the person, as an employee, would have access to that information in HHSC's regulatory services division. S.B. 1192 seeks to bring consistency to the criminal history background check process within HHSC and expand the group of individuals about whom HHSC may obtain criminal history record information.

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. 1192 amends the Government Code to revise provisions relating to Health and Human Services Commission (HHSC) access to criminal history record information maintained by the Department of Public Safety (DPS) for certain HHSC employees and applicants as follows:

- changes from the executive commissioner of HHSC or their designee to HHSC the entity entitled to obtain from DPS criminal history record information that relates to an HHSC employee who has access to, or an applicant for employment in HHSC's eligibility services division or office of inspector general in which the person would have access to, sensitive personal or financial information, as determined by the executive commissioner;
- includes among the persons about whom HHSC is entitled to obtain such criminal history record information a volunteer or contractor of HHSC who has access to, and an applicant for a volunteer position or an applicant for a contract with HHSC in its eligibility services division or office of inspector general who would have access to, such sensitive personal or financial information, as determined by the executive commissioner;

- includes an applicant for an employment or volunteer position in or an applicant for a contract with HHSC's regulatory services division among the applicants about whom HHSC is entitled to obtain such criminal history record information; and
- specifies that an employee, volunteer, contractor, or applicant about whom HHSC is entitled to obtain criminal history record information is a person who is required to be fingerprinted.

S.B. 1192 entitles HHSC to obtain through the FBI criminal history record information maintained or indexed by the FBI that pertains to such a person who has or would have access to sensitive or personal information and to obtain from any other criminal justice agency in Texas criminal history record information maintained by that agency that relates to such a person. The bill includes such information obtained through the FBI or from a criminal justice agency in Texas in the scope of provisions limiting the release and disclosure of and providing for the destruction of criminal history record information obtained by HHSC.

S.B. 1192 prohibits the criminal history record information obtained by HHSC regarding an applicant for an employment or volunteer position or an applicant for a contract with HHSC from being released or disclosed to any person. The bill removes the specification that the executive commissioner is the individual within HHSC who is charged with destroying all criminal history record information obtained by HHSC with respect to an applicable employee, volunteer, contractor, or applicant as soon as practicable after the information is used for its authorized purpose.

S.B. 1192 establishes that provisions regarding HHSC's access to criminal history record information for such individuals do not prohibit HHSC from obtaining and using criminal history record information as provided by other law.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.