

By: Turner

H.B. No. 1009

Substitute the following for H.B. No. 1009:

By: Manuel

C.S.H.B. No. 1009

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to criminal history record information reviews of certain  
3 individuals providing services to individuals with an intellectual  
4 or developmental disability under Medicaid.

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

6 SECTION 1. Subchapter F, Chapter 411, Government Code, is  
7 amended by adding Section 411.11061 to read as follows:

8 Sec. 411.11061. ACCESS TO CRIMINAL HISTORY RECORD  
9 INFORMATION: CERTAIN MEDICAID PROVIDERS. (a) In this section,  
10 "residential caregiver" has the meaning assigned by Section  
11 531.02485.

12 (b) A Medicaid provider that provides community-based  
13 residential care services to Medicaid recipients through a group  
14 home or other residential facility licensed by or operated under  
15 the authority of the Health and Human Services Commission is  
16 entitled to obtain from the department criminal history record  
17 information maintained by the department that relates to an  
18 individual who is an applicant for employment or seeking a contract  
19 position with the provider as a residential caregiver or who is  
20 employed or contracted by the provider as a residential caregiver.

21 SECTION 2. Subchapter B, Chapter 531, Government Code, is  
22 amended by adding Section 531.02485 to read as follows:

23 Sec. 531.02485. REQUIRED REVIEW OF CRIMINAL HISTORY RECORD  
24 INFORMATION FOR CERTAIN RESIDENTIAL CAREGIVERS. (a) In this

1 section, "residential caregiver" means an individual who provides,  
2 through a group home or other residential facility licensed by or  
3 operated under the authority of the commission, community-based  
4 residential care services:

5 (1) to not more than four individuals with an  
6 intellectual or developmental disability at any time; and

7 (2) at a residence other than the home of the  
8 individual providing the services.

9 (b) A Medicaid provider, including a provider providing  
10 services under a 1915(c) waiver program, that employs or contracts  
11 with a residential caregiver to provide community-based  
12 residential care services to Medicaid recipients shall review state  
13 and federal criminal history record information and obtain  
14 electronic updates from the Department of Public Safety of arrests  
15 and convictions for each residential caregiver the provider employs  
16 or contracts with to provide community-based residential care  
17 services to Medicaid recipients.

18 (c) An individual who has been convicted of an offense  
19 described by Section 250.006, Health and Safety Code, may not be  
20 employed or contracted as a residential caregiver or otherwise  
21 provide direct care to a Medicaid recipient with an intellectual or  
22 developmental disability. An individual who violates this  
23 subsection is subject to disciplinary action by the commission.

24 (d) A Medicaid provider shall immediately discharge any  
25 individual the provider employs or contracts with as a residential  
26 caregiver who is convicted of an offense described by Section  
27 250.006, Health and Safety Code. The commission shall disenroll

1 from participation in Medicaid a Medicaid provider who violates  
2 this subsection.

3 (e) The executive commissioner shall adopt rules necessary  
4 to implement this section.

5 SECTION 3. If before implementing any provision of this Act  
6 a state agency determines that a waiver or authorization from a  
7 federal agency is necessary for implementation of that provision,  
8 the agency affected by the provision shall request the waiver or  
9 authorization and may delay implementing that provision until the  
10 waiver or authorization is granted.

11 SECTION 4. This Act takes effect September 1, 2023.