A BILL TO BE ENTITLED
AN ACT
relating to criminal history record information reviews of certain
individuals providing services to individuals with an intellectual
or developmental disability.

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

SECTION 1. Subchapter B, Chapter 531, Government Code, is
amended by adding Section 531.02485 to read as follows:

Sec. 531.02485. REQUIRED REVIEW OF CRIMINAL HISTORY RECORD
INFORMATION FOR CERTAIN RESIDENTIAL CAREGIVERS. (a) In this
section, "residential caregiver" means an individual who provides,
through a group home or other residential facility licensed by or
operated under the authority of the commission, including a group
home or facility licensed or operated under a Section 1915(c)
waiver program, community-based residential care services:

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

(2) at a residence other than the home of an individual
described by Subdivision (1).

(b) The commission shall review state and federal criminal
history record information and obtain electronic updates from the
Department of Public Safety of arrests and convictions for each
residential caregiver who holds a license or other operational
authorization issued by the commission.

(c) A residential caregiver who has been convicted of an
offense described by Section 250.006, Health and Safety Code, may not provide direct care to an individual with an intellectual or developmental disability. A residential caregiver who violates this subsection is subject to disciplinary action by the commission.

(d) The commission shall disenroll from participation in Medicaid a residential caregiver who has been convicted of an offense described by Section 250.006, Health and Safety Code.

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

SECTION 2. This Act takes effect September 1, 2023.