

BILL ANALYSIS

Senate Research Center

H.B. 3560
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Freestanding psychiatric hospitals are licensed under Chapter 577 of the Health & Safety Code. While physicians, nurses, psychologists, and therapists practicing in these facilities already undergo criminal background checks as part of their professional licensure, there is no explicit requirement for unlicensed staff, such as administrators, admissions personnel, and aides, to receive the same scrutiny.

Currently, nursing facilities, intermediate care facilities for individuals with intellectual and developmental disabilities, adult foster care providers, home and community support services agencies, prescribed pediatric extended care centers, assisted living facilities, state supported living centers, day activity and health service centers, residential child care facilities, and home and community based services waiver providers are required to conduct criminal background checks for both licensed and unlicensed staff.

H.B. 3560 closes a critical loophole in Texas law by requiring freestanding psychiatric hospitals to conduct criminal background checks and verify the Employee Misconduct Registry status for unlicensed staff. This measure improves patient protections against potential abuse, neglect, or exploitation, as has already been provided to vulnerable Texans served by other health care facilities.

H.B. 3560 amends current law relating to the licensing of mental hospitals and mental health facilities and the definition of facility for the purposes of the employee misconduct registry.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Reenacts and amends Section 253.001(4), Health and Safety Code, as amended by Chapters 674 (H.B. 1009) and 887 (H.B. 4696), Acts of the 88th Legislature, Regular Session, 2023, to redefine "facility."

SECTION 2. Amends Section 577.004(d), Health and Safety Code, to require that the license application for private mental hospitals and other mental health facilities contain certain information, including the name and address of the person responsible for the daily operations of the mental hospital or mental health facility, and to make nonsubstantive changes.

SECTION 3. Provides that the Health and Human Services Commission (HHSC) is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. Provides that, if the legislature does not appropriate money for that purpose, HHSC is authorized, but is not required, to implement a provision of this Act using other money available for that purpose.

SECTION 4. Effective date: September 1, 2025.