

BILL ANALYSIS

C.S.H.B. 3560
By: Pierson
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current state law regulating freestanding psychiatric hospitals requires physicians, nurses, psychologists, and therapists who practice in these facilities to undergo criminal background checks as part of their professional licensure. However, there is no explicit requirement for unlicensed staff such as administrators, admissions personnel, and aides to undergo the same checks. The bill author has informed the committee that this gap contrasts with other health care facilities, such as nursing homes, assisted living centers, and home health agencies, that must conduct background checks and consult the employee misconduct registry, which tracks individuals who have committed abuse, neglect, or exploitation in health care settings, and thus may put those receiving mental health treatment at risk of encountering staff with undisclosed criminal histories or documented misconduct. C.S.H.B. 3560 seeks to close this regulatory loophole, bring freestanding psychiatric hospitals in line with other health care facilities, and enhance patient safety by subjecting mental hospitals and other mental health facilities to statutory provisions relating to the employee misconduct registry.

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

C.S.H.B. 3560 amends the Health and Safety Code to include in the definition of "facility" for purposes of provisions relating to the employee misconduct registry a facility licensed by the Department of State Health Services under provisions governing private mental hospitals and other mental health facilities. The bill requires an application for a license for such a mental hospital or mental health facility to contain the name and address of the person responsible for the daily operations of the hospital or facility.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3560 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the introduced provided for the bill to take effect immediately, contingent on receiving the requisite constitutional vote, or on September 1, 2025, the substitute provides only for the bill to take effect September 1, 2025, with no possibility for immediate effect.