

**SUBJECT:** Bars to nursing home employment

**COMMITTEE:** Human Services — favorable, with amendment

**VOTE:** 9 ayes — Hilderbran, Naishtat, Chavez, Christian, Davila, Krusee, Maxey, McReynolds, Wohlgemuth  
0 nays

**WITNESSES:** For — None  
Against — None  
On — Tim Graves, Texas Health Care Association; Ira Greenspan, Office of the Attorney General

**BACKGROUND :** Nursing homes and other facilities serving the disabled or elderly are prohibited from employing individuals convicted of certain criminal offenses, including criminal homicide, kidnapping, false imprisonment, indecency with a child, agreement to abduct from custody, sale or purchase of a child, arson, robbery and aggravated robbery.

**DIGEST:** HB 2306, as amended, would expand the list of offenses barring employment in nursing homes and similar facilities. These offenses would include sexual assault; aggravated assault; injury to a child or elderly or disabled individual; abandoning or endangering a child; aiding suicide and fraudulent destruction, removal or concealment of writing. The offenses of credit or debit card abuse or securing the execution of document by deception also would bar employment if committed within the last 10 years.  
The bill would take effect on September 1, 1997, and would apply only to persons hired on or after that date in a position involving direct contact with consumers in the facility.

**SUPPORTERS SAY:** HB 2306 would improve on current law to better protect the those living in nursing and adult care facilities. The current list of offenses barring employment in nursing homes does not contain several offenses that are most frequently committed against nursing home patients or their property.

There have been instances where property offenders have moved from one facility to another in the same area, stealing and committing crimes against the residents.

Plain common sense dictates keeping violent offenders who have committed sexual or aggravated assault or injury to an elderly person from working in nursing homes. The population in these facilities is one of the most vulnerable segments of our society. Furthermore, adding certain property offenses to the list, such as fraudulent destruction or concealment of a document, would prevent those unscrupulous individuals who prey on the elderly in order to steal from them or deceive them into willing their property over to them from working in nursing homes.

The bill would not impose any unreasonable requirements on nursing home operators. It would only apply to hiring decisions for positions that come into direct contact with residents. In addition, it would provide time limits for considering certain non-violent offenses, such as credit or debit card abuse or securing a document by deception. This would not bar certain nonviolent offenders who have since turned their lives around from working in nursing homes. Nursing home facilities have a responsibility to ensure the safety of their residents; tight labor markets should not be an excuse for hiring clearly unsuitable employees.

**OPPONENTS  
SAY:**

HB 2306 would make it difficult for nursing homes to fill positions at their facilities. Nursing homes have an extremely high employee turnover rate due to low wages, lack of benefits, and stressful working conditions. The 10-year limit for nonviolent offenses would prevent able prospects from being hired for jobs.

**NOTES:**

The committee amendment would leave indecency with a child on the list; add sexual assault, aggravated assault, injury to a child, elderly or disabled individual, abandoning or endangering a child and aiding suicide. The amendment would remove from the list sexual offenses, assaultive offenses, burglary, theft and forgery and add the 10 year provision for credit card abuse and execution of document by deception.