

- SUBJECT:** Consolidating registries on abuse findings for long-term care workers
- COMMITTEE:** Human Services — committee substitute recommended
- VOTE:** 7 ayes — Rose, Herrero, Darby, Elkins, Hernandez, Naishtat, Walle
0 nays
2 absent — Hughes, Legler
- SENATE VOTE:** On final passage, April 20 — 30-0
- WITNESSES:** For — (*Registered, but did not testify:* Dawn Choate, The ARC of Texas)
Against — None

On — Susan Davis, Department of Agency and Disability Services; April Ferrino, Legislative Budget Board; Gavin Gadberry, Texas Health Care Association; Rachel Hammon, Texas Association for Home Care; Karl Urban, Department of Family and Protective Services
- BACKGROUND:** Texas has two registries and one reporting system on abuse committed in long-term care settings to screen prospective long-term care workers and to ensure the safety of residents in these facilities.

The Employee Misconduct Registry (EMR) was established in 1999 to ensure that unlicensed personnel who commit acts of abuse, misappropriation, or misconduct against residents and consumers were denied employment in Department of Aging and Disability Services (DADS) regulated facilities and agencies. In 1989, Texas adopted the federally required Nurse Aide Registry (NAR) to track cases of abuse, neglect, or exploitation by nurse aides. The Client Abuse and Neglect Reporting System (CANRS), the oldest reporting system, which began in 1982, captures information about abuse in state schools, state hospitals, and community mental health and mental retardation centers.
- DIGEST:** CSSB 785 would require DADS to establish an employee misconduct registry and require certain health care facilities serving elderly, mentally

retarded, or disabled persons, in addition to an initial verification of employability, to annually search the Employee Misconduct Registry and Nurse Aide Registry to determine whether an employee had a finding of abuse, neglect, or exploitation.

The bill would amend Health and Safety Code, sec. 253.001 to include a nurse aide in the definition of “employee” in the chapter governing the employee misconduct registry

CSSB 785 would require that if a finding of abuse, neglect or exploitation were removed from the Nurse Aide Registry it also be removed from the Employee Misconduct Registry.

The bill would not make an appropriation, and any new program it created would not be mandatory unless a specific appropriation had been made to fund the new program.

The bill would require the Health and Human Services executive commissioner to adopt rules for implementing the program by September 1, 2010. The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.

**SUPPORTERS
SAY:**

CSSB 785 would help fill gaps in the state’s tracking of employees who committed an act of abuse and would help prevent the rehiring of these employees in other long-term care settings. The bill would implement recommendations on improving the employment screening of long-term care workers in the Legislative Budget Board’s 2009 *Government Effectiveness and Efficiency Report*, including a proposal to make information about abuse findings by employees at state schools and state hospital available to other care providers.

**OPPONENTS
SAY:**

No apparent opposition

NOTES:

According to the fiscal note, the bill would cost around \$2.5 million in fiscal 2010-11 and around 703,000 per year subsequently.