

## **BILL ANALYSIS**

Senate Research Center  
78R1423 JRD-D

S.B. 61  
By: Zaffirini  
Health and Human Services  
4/8/2003  
As Filed

### **DIGEST AND PURPOSE**

Currently, criminal history checks on nursing home facilities are done on the state level, but not the national level. As proposed, S.B. 61 requires criminal history checks of employees and applicants for employment in nursing homes on a national level.

### **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. Amends Section 250.002, Health and Safety Code, by adding Subsection (e), to require a nursing home or a private agency, on behalf of the facility, to obtain criminal history record information from the Department of Public Safety of the State of Texas (DPS) in accordance with this chapter and Chapter 411F, Government Code, and obtain criminal history record information from the Federal Bureau of Investigation (FBI) in accordance with Section 411.087, Government Code, for each applicant for employment or employee of a facility licensed under Chapter 242 (convalescent and nursing homes and related institutions) whose duties would or do involve direct contact with a consumer in the facility. Authorizes the facility or a private agency, on behalf of the facility, to obtain criminal history record information from any court or local, state, or national governmental agency if no disqualifying record or information has been obtained from DPS or the FBI.

SECTION 2. Amends Section 250.004(b), Health and Safety Code, by replacing “the Department of Public Safety reports” with “a facility receives criminal history record information under this chapter” relating to criminal history checks of employees and applicants for employment at nursing homes. Makes a nonsubstantive change.

SECTION 3. Effective date: September 1, 2003.