

## **BILL ANALYSIS**

Senate Research Center  
87R6715 JG-D

S.B. 1103  
By: Seliger  
Health & Human Services  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Certified nurse aides (CNAs) provide hands-on care to vulnerable Texans residing in nursing facilities statewide. During the 86th Legislative Session, the Texas Health and Human Services Commission (HHSC) received approval to move from name-based criminal background checks for CNAs to fingerprint-based checks in order to better protect resident health and safety.

However, the Department of Public Safety of the State of Texas (DPS) informed HHSC that the current statute is not clear that HHSC is the licensing authority for CNAs even though S.B. 2200 passed during the 86th Legislative Session further clarifying HHSC's statutory authority to obtain these background checks.

S.B. 1103 simply makes it explicitly clear in statute that HHSC is the licensing authority for CNAs and therefore allows the agency to move forward with more comprehensive background checks on these licensed employees.

As proposed, S.B. 1103 amends current law relating to the regulation of nurse aides and requires an occupational registration.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission is modified in SECTION 2 (Section 250.0035, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 250.001, Health and Safety Code, by adding Subdivisions (6) and (7), to define "commission" and "executive commissioner" for the purposes of Chapter 250 (Nurse Aide Registry and Criminal History Checks of Employees and Applicants for Employment in Certain Facilities Serving the Elderly, Persons with Disabilities, or Persons with Terminal Illnesses).

SECTION 2. Amends Section 250.0035, Health and Safety Code, as follows:

Sec. 250.0035. New heading: CERTIFICATE OF REGISTRATION; REQUIREMENTS FOR INCLUSION IN NURSE AIDE REGISTRY. (a) Requires an applicant, to be listed on the nurse aide registry, to hold a certificate of registration issued by the Health and Human Services Commission (HHSC) on completion of the training program required and approved by HHSC. Makes nonsubstantive changes.

(b) Provides that a certificate of registration and listing on the nurse aide registry expire on the second anniversary of the date the certificate is issued and the nurse aide is listed in the registry. Makes conforming and nonsubstantive changes.

(c) Requires the nurse aide, to renew a nurse aide's certificate of registration and listing on the registry, to complete at least 24 hours of in-service education every two years, including training in geriatrics and, if applicable, in the care of patients with Alzheimer's disease.

(d) Requires the executive commissioner of HHSC (executive commissioner) to adopt the rules necessary to implement this section, including rules for the issuance and renewal of a certificate of registration under this section and the regulation of nurse aides as necessary to protect the public health and safety.

SECTION 3. (a) Requires the executive commissioner, as soon as practicable after the effective date of this Act, to adopt the rules and procedures necessary to implement Section 250.0035, Health and Safety Code, as amended by this Act.

(b) Provides that, notwithstanding Section 250.0035, Health and Safety Code, as amended by this Act, a nurse aide is not required to hold a certificate of registration issued under that section until September 1, 2022.

SECTION 4. Effective date: September 1, 2021.