

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

MAY 30, 2009

Date

Honorable David Dewhurst
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 3737 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

W. Davis
DAVIS

Paul Nelson
NELSON

E. Eltife
ELTIFE

M. Uresti
URESTI

J. Crow
CROW On the part of the Senate

Archia
ARCHIA

Elkins
ELKINS

Patricia M. Rose
ROSE

Naishat
NAISHAT

A.E. Wall
WALL On the part of the House

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 3737

A BILL TO BE ENTITLED

1 AN ACT

2 relating to criminal history checks for employees of, and
3 applicants for employment at, special care facilities.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. The heading to Chapter 250, Health and Safety
6 Code, is amended to read as follows:

7 CHAPTER 250. NURSE AIDE REGISTRY AND CRIMINAL HISTORY CHECKS OF
8 EMPLOYEES AND APPLICANTS FOR EMPLOYMENT IN CERTAIN FACILITIES
9 SERVING THE ELDERLY, ~~[OR]~~ PERSONS WITH DISABILITIES, OR PERSONS
10 WITH TERMINAL ILLNESSES

11 SECTION 2. Section 250.001(3), Health and Safety Code, is
12 amended to read as follows:

13 (3) "Facility" means:

14 (A) a nursing home, custodial care home, or other
15 institution licensed by the ~~[Texas]~~ Department of Aging and
16 Disability ~~[Human]~~ Services under Chapter 242;

17 (B) an assisted living facility licensed by the
18 ~~[Texas]~~ Department of Aging and Disability ~~[Human]~~ Services under
19 Chapter 247;

20 (C) a home and community support services agency
21 licensed under Chapter 142;

22 (D) an adult day care facility licensed by the
23 ~~[Texas]~~ Department of Aging and Disability ~~[Human]~~ Services under
24 Chapter 103, Human Resources Code;

1 (E) a facility for persons with mental
2 retardation licensed under Chapter 252;

3 (F) an adult foster care provider that contracts
4 with the [~~Texas~~] Department of Aging and Disability [~~Human~~]
5 Services;

6 (G) a facility that provides mental health
7 services and that is operated by or contracts with the [~~Texas~~]
8 Department of State [~~Mental~~] Health Services [~~and Mental~~
9 ~~Retardation~~];

10 (H) a local mental health or mental retardation
11 authority designated under Section 533.035; [~~or~~]

12 (I) a person exempt from licensing under Section
13 142.003(a)(19); or

14 (J) a special care facility licensed by the
15 Department of State Health Services under Chapter 248.

16 SECTION 3. This Act takes effect September 1, 2009.

House Bill 3737
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. The heading to Chapter 250, Health and Safety Code, is amended to read as follows:

CHAPTER 250. NURSE AIDE REGISTRY AND CRIMINAL HISTORY CHECKS OF EMPLOYEES AND APPLICANTS FOR EMPLOYMENT IN CERTAIN FACILITIES SERVING THE ELDERLY, ~~[OR] PERSONS WITH DISABILITIES, OR PERSONS WITH TERMINAL ILLNESSES~~

SECTION 2. Section 250.001(3), Health and Safety Code, is amended to revise the definition of "facility."

No equivalent provision.

No equivalent provision.

No equivalent provision.

SENATE VERSION

SECTION 1. Same as House version.

SECTION 2. Same as House version.

SECTION __. Subchapter D, Chapter 161, Human Resources Code, is amended by adding Section 161.076, **REQUIRED BACKGROUND AND CRIMINAL HISTORY CHECKS; CRIMINAL PENALTIES.**

SECTION __. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.1146, **ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: DEPARTMENT OF AGING AND DISABILITY SERVICES LICENSEES.**

SECTION __. Transition provision relating to required background and criminal history checks.

CONFERENCE

SECTION 1. Same as House version.

SECTION 2. Same as House version.

Same as House version.

Same as House version.

Same as House version.

House Bill 3737
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SECTION 3. This Act takes effect September 1, 2009.

SENATE VERSION

SECTION __. Same as House version, except provisions relating to required background and criminal history checks take effect September 1, 2011.

CONFERENCE

SECTION 3. Same as House version.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 30, 2009

TO: Honorable David Dewhurst , Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB3737** by Anchia (Relating to criminal history checks for employees of, and applicants for employment at, special care facilities.), **Conference Committee Report**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code as it relates to criminal history checks for employees of, and applicants for employment at, special care facilities.

The bill would expand the name of Chapter 250, Health and Safety Code, to include Persons with Terminal Illness. The bill would also amend Section 250.001(3), Health and Safety Code, to replace references to Texas Department of Human Services and Texas Department of Mental Health and Mental Retardation with the Department of Aging and Disability Services (DADS) and add a special care facility licensed by the Department of State Health Services (DSHS) under Chapter 248 to the definition of a facility for purposes of Chapter 250, Health and Safety Code.

It is assumed any cost to implement provisions of the bill would be minimal and can be absorbed within existing agency resources.

The bill would take effect September 1, 2009.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 537 State Health Services, Department of, 539 Aging and Disability Services,
Department of

LBB Staff: JOB, CL, SJ, LR