

- SUBJECT:** Contact between facility employees and elderly or disabled persons
- COMMITTEE:** Human Services — favorable, without amendment
- VOTE:** 8 ayes — Rose, Darby, Elkins, Hernandez, Hughes, Legler, Naishtat, Walle
0 nays
1 absent — Herrero
- WITNESSES:** For — Oscar Garcia and Katy Kappel, Texas Silver-Haired Legislature; (*Registered, but did not testify:* Tim Graves, Texas Health Care Association; George Linial, Texas Association of Homes and Services for the Aging; Susan Murphree, Advocacy Incorporated; Bill Pewitt, Texas Association for Home Care)
Against — None
- BACKGROUND:** Under Health and Safety Code, sec. 250.003, a facility serving elderly or disabled individuals is required to verify an applicant's criminal history before employment. Certain exceptions allow employment pending the results of the criminal background check, which can sometimes take up to four months to complete. Existing law does not bar employees from having direct contact with facility clients and residents while awaiting results from a background check.

Health and Safety Code, sec. 250.006 lists offenses barring employment in a facility serving the elderly or individuals with disabilities, including homicide, kidnapping, sexual offenses, aggravated assault, arson, robbery, or injury to a child, elderly or disabled individual.
- DIGEST:** HB 2191 would amend Health and Safety Code, sec. 250.003 to require that if a facility employed an individual pending a criminal history check, the facility would ensure that the employee had no direct contact with a consumer until the facility obtained the individual's criminal history record information and verified the person's employability under sec. 250.006.

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The bill would take effect September 1, 2009.