

## **BILL ANALYSIS**

S.B. 1103  
By: Seliger  
Human Services  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Certified nurse aides (CNAs) provide hands-on care to vulnerable Texans residing in nursing facilities statewide. During the 86th Legislative Session, the 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 informed HHSC that it is not clear in current law that HHSC is the licensing authority for CNAs, even though the legislature has previously clarified this authority to obtain these background checks. S.B. 1103 seeks to clarify that HHSC is the licensing authority responsible for approving training programs for CNAs and to provide for a certificate of registration issued by HHSC for an applicant for employment at certain facilities on completion of the training program.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 of this bill.

### **ANALYSIS**

S.B. 1103 amends the Health and Safety Code to require the executive commissioner of the Health and Human Services Commission (HHSC) to adopt rules for the issuance and renewal of a certificate of registration for certain nurse aides and for the regulation of nurse aides as necessary to protect the public health and safety. The bill requires an applicant for employment in certain facilities serving the elderly, persons with disabilities, or persons with terminal illnesses, for purposes of being listed on the nurse aide registry, to hold a certificate of registration issued by HHSC on completion of the required training program approved by HHSC. The bill establishes that the certificate expires on the second anniversary of the date the certificate is issued and the nurse aide is listed in the registry and requires a nurse aide 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, to renew the certificate.

S.B. 1103 requires the executive commissioner to adopt the rules and procedures necessary to implement the bill's provisions as soon as practicable after the bill's effective date. A nurse aide is not required to hold a certificate of registration issued under the bill's provisions until September 1, 2022.

**EFFECTIVE DATE**

September 1, 2021.