

SUBJECT: Criminal history checks for employees in hospital mental health units

COMMITTEE: Public Health — favorable, without amendment

VOTE: 9 ayes — Kolkhorst, Naishtat, Collier, Cortez, S. Davis, Guerra, S. King,
J.D. Sheffield, Zedler

0 nays

2 absent — Coleman, Laubenberg

SENATE VOTE: On final passage, March 21 — 31 - 0

WITNESSES: For — (*Registered, but did not testify*: Stacy Wilson, Texas Hospital
Association)

Against — None

On — (*Registered, but did not testify*: Patrick Waldron, Texas Department
of State Health Services)

BACKGROUND: Health and Safety Code, ch. 250 governs the nurse aid registry and
requires criminal history checks for employees and applicants for
employment in certain facilities serving the elderly, persons with
disabilities, and persons with terminal illnesses.

DIGEST: SB 944 would include mental health service units of hospitals licensed
under the Texas Hospital Licensing Law among the facilities governed by
Health and Safety Code, ch. 250 and required to conduct criminal history
checks on employees and applicants.

This bill would take immediate effect if finally passed by a two-thirds
record vote of the membership of each house. Otherwise, it would take
effect September 1, 2013.

SUPPORTERS
SAY: SB 944 would help protect mental health patients by improving
employment screenings of individuals working in mental health units of
hospitals. Currently, licensed caregivers such as doctors and nurses are

subject to criminal background checks, but other employees at a hospital's mental health unit may not be. This poses a threat to patients because mental health patients can be particularly vulnerable and susceptible to abuse. Applicants for employment in other facilities with similarly vulnerable populations, including nursing homes, adult day care facilities, and other mental health facilities, already undergo this screening process.

Allegations of unlicensed employees abusing patients at a mental health unit in a hospital raised awareness that these employees were not screened to the same standard as employees for other similar medical institutions. SB 944 would help protect vulnerable mental health patients by bringing the same employment screening process that exists in other similar facilities to mental health units in hospitals.

**OPPONENTS
SAY:**

No apparent opposition.