

## **BILL ANALYSIS**

Senate Research Center  
76R6350 KLA-F

S.B. 968  
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Health Services  
3/12/1999  
As Filed

### **DIGEST**

Currently, federal Drug Enforcement Administration regulations mandate that a person convicted of a controlled substance violation may not work in an area where they may have access to controlled substances. Hospitals have experienced unfortunate instances in which individuals have been sexually molested, infants have been kidnaped from hospital nurseries, and patient valuables have been stolen. A patient may be under tremendous stress, may be medicated, or may be unable to deal with illness, making the patient's situation very vulnerable. Hospitals desire to perform employee background checks because the employees interact with patients who are often in a vulnerable condition and may not be able to protect themselves. S.B. 968 would allow certain hospitals and hospital districts to access criminal history record information for applicants for employment or volunteer positions; current employees or volunteers; or employment applicants or employees of a person or business that contracts with a public hospital or hospital district.

### **PURPOSE**

As proposed, S.B. 968 allows certain hospitals and hospital districts to access criminal history record information.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 411F, Government Code, by adding Section 411.136, as follows:

Sec. 411.136. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: PUBLIC HOSPITALS AND HOSPITAL DISTRICTS. (a) Defines "public hospital."

(b) Provides that a public hospital or hospital district is entitled to obtain criminal history record information from the Department of Public Safety (department) for applicants for employment or volunteer positions; current employees or volunteers; or employment applicants or employees of a person or business that contracts with a public hospital or hospital district.

(c) Requires the hospital or hospital district to adopt a uniform method to obtain criminal history record information from persons described in Subsection (b). Authorizes the public hospital to require the complete name, driver's license number, fingerprints, or social security number of those persons.

(d) Authorizes the public hospital or hospital district to dismiss a person, deny a person employment or a volunteer position, and refuse to allow a person to work in a public hospital or hospital facility if certain conditions exist.

(e) Provides that all criminal history record information received by a public hospital or hospital district under this section is privileged, confidential, and intended for the exclusive use of the entity that obtained the information. Prohibits the public hospital or hospital district from releasing or disclosing criminal history record information to any person or agency except under certain circumstances.

(f) Requires the public hospital or hospital district to develop procedures for the custody and use

of information obtained under this section. Requires the public hospital or public hospital administrator, or a designee, after use of the information, to destroy the information in accordance with the public hospital's or hospital district's document destruction procedures.

(g) Provides that a public hospital, hospital district, member of the governing board of the public hospital or hospital district, or an employee of a public hospital or hospital district is not civilly liable for failure to comply with this chapter if the public hospital or hospital district makes a good-faith effort to comply.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.