

## **BILL ANALYSIS**

Senate Research Center  
77R7741 SGA-F

H.B. 3335  
By: Telford (Moncrief)  
Health & Human Services  
4/26/2001  
Engrossed

### **DIGEST AND PURPOSE**

Currently, an individual who has cause to believe that an elderly or disabled adult is being abused, neglected, or exploited must report their concern to the appropriate authority, and provides immunity from civil or criminal liability for the individual reporting the abuse. However, the law remains unclear about the possible liability of a business entity if an employee reports the abuse or exploitation of a customer. H.B. 3335 provides that an employer is immune from liability if an employee makes a good-faith report of abuse.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 48.051(c), Human Resources Code, to provide that the duty imposed by this section applies without exception to a person whose knowledge concerning possible abuse, neglect, or exploitation is obtained during the scope of the person's employment or whose professional communications are generally confidential, including an attorney, clergy member, medical practitioner, social worker, and mental health professional.

SECTION 2. Amends Section 48.054, Human Resources Code, to provide that an employer whose employee acts under this section is immune from civil or criminal liability on account of an employee's report, testimony, or participation in any judicial proceedings arising from a petition, report, or investigation. Provides that this provision does not apply to an employer who is the subject of an investigation.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2001.