

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1192
By: Zaffirini
Health & Human Services
4/24/2023
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Health and Human Services Commission's (HHSC) Regulatory Services Division does not have the authority to conduct criminal history checks on all applicants for employment, contractors, and volunteers. The division can check applicants for provider investigations, child care licensing, and certain areas within long-term care regulations. This practice, however, excludes health care quality, complaint and incident intake, operational support, and the remaining departments within long-term care regulations.

S.B. 1192 would bring consistency to the criminal history check process within HHSC's regulatory services and expand checks to applicants with access to personal and confidential information, including social security numbers, personal health information, address, and financial information.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 1192 amends current law relating to access to criminal history record information for certain employees, volunteers, and contractors, and for applicants for those positions, by the Health and Human Services Commission.

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 411.1106, Government Code, by amending Subsections (b), (c), (d), and (e) and adding Subsections (b-1), (c-1), and (f), as follows:

(b) Provides that the Health and Human Services Commission (HHSC), rather than the executive commissioner of HHSC (executive commissioner) or the executive commissioner's designee, is entitled to obtain from the Department of Public Safety of the State of Texas (DPS) criminal history record information maintained by DPS that relates to a person who is required to be fingerprinted and is:

(1) an applicant for an employment or volunteer position or an applicant for a contract with HHSC in which the person, as an employee, volunteer, or contractor, as applicable, would have access to sensitive personal or financial information, as determined by the executive commissioner, in:

(A) makes a nonsubstantive change to this paragraph;

(B) makes no changes to this paragraph; or

(C) the regulatory services division of HHSC; or

(2) makes conforming changes to this subdivision.

(b-1) Provides that HHSC, subject to Section 411.087 (Access to Criminal History Record Information Maintained by Federal Bureau of Investigation or Local Criminal Justice Agency), is entitled to:

(1) obtain through the Federal Bureau of Investigation (FBI) criminal history record information maintained or indexed by the FBI that pertains to a person described by Subsection (b); and

(2) obtain from any other criminal justice agency in this state criminal history record information maintained by that agency that relates to a person described by Subsection (b).

(c) Prohibits criminal history record information obtained by HHSC under Section 411.1106 (Access to Criminal History Record Information: Health and Human Services Commission), rather than under Subsection (b), from being released or disclosed, except under certain circumstances. Makes conforming changes.

(c-1) Prohibits criminal history record information obtained by HHSC under Subsection (b)(1) from being released or disclosed to any person, notwithstanding Subsection (c).

(d) and (e) Makes conforming changes to these subsections.

(f) Provides that this section does not prohibit HHSC from obtaining and using criminal history record information as provided by other law.

SECTION 2. Effective date: upon passage or September 1, 2023.