

Foster Care Ombudsman Applicant Background Checks

Relating to authorizing the HHS executive commissioner to obtain criminal history record information maintained for certain employment applicants from the Department of Public Safety



TEXAS
Health and Human
Services

Sen. José Menéndez • Senate Bill 2397

Problem

- Current statute does not allow the Texas Health and Human Services Commission (HHSC) to obtain criminal history information for Foster Care Ombudsman (FCO) applicants. FCO staff have access to highly sensitive personal and financial information, namely case management records of foster youth maintained by the Department of Family and Protective Services (DFPS).

Solution

- Allow the HHS executive commissioner to obtain criminal history record information from the Department of Public Safety on an applicant for an FCO position.

Q&A

Why can't you do this now? Don't you already have this authority for applicants?

The executive commissioner only has the authority for eligibility staff and Inspector General staff as specifically stated in statute.

What about former DFPS staff who now work for HHS? Is there an authority that already exists to check them?

They are covered by an authority that still exists in DFPS statute because they were already doing the function. Legal interprets that authority doesn't apply to FCO specifically.

What would disqualify an applicant for a job at FCO? How would this information be used?

We will follow the same bars to employment that DFPS uses, per that agency's policy.

What happens if we don't change the statute?

HHSC and the state will remain susceptible to potential lawsuits, confidentiality and information breaches, and potential hazards regarding foster youth.

Questions, comments or concerns?

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