

## ***Statement Of Employability***

By execution of this document, I acknowledge that I have been informed by Halo Hospice and agree that Halo Hospice will conduct a State of Texas criminal history check, search the Nurse Aide Registry (NAR), and search the Employee Misconduct Registry (EMR) per the Texas Administrative Code §93.3, Chapter 250 of the Health and Safety Code, Nurse Aid Registry and Criminal History Checks of Employees and Applicants for Employment in Certain Facilities Serving the Elderly, Persons with Disabilities, Persons with Terminal Illnesses, and Chapter 253, of the Texas Health and Safety Code, Employee Misconduct Registry. I understand that I am not employable if I am listed in the Employee Misconduct Registry or if I have a criminal conviction or offense that bars me from employment with this Agency. I have been informed that the Agency will also conduct a search of the NAR and the EMR on an annual basis.

### **Background Checks**

I have informed this agency of all names (i.e., maiden, aliases) that I have used in the past. I understand that my employment is pending the results of the Criminal History Check, and verification on the Nurse Aide Registry and the Employee Misconduct Registry. I understand that I may not have patient contact until all results are concluded.

### **CONVICTIONS BARRING EMPLOYMENT      Health and Safety Code §250.006**

#### **A. A person for whom the facility is entitled to obtain criminal history record information may not be employed in a facility if the person has been convicted of an offense listed below:**

- An offense under Chapter 19, Penal Code (criminal homicide);
- An offense under Chapter 20, Penal Code (kidnapping, unlawful restraint, and smuggling of persons);
- An offense under Chapter 21.02, Penal Code (continuous sexual abuse of young child or children) or Section 21.11, Penal Code (indecent with a child);
- An offense under Section 21.08, Penal Code (indecent exposure);
- An offense under Section 21.12, Penal Code (improper relationship between educator and student);
- An offense under Section 21.15, Penal Code (improper photography or visual recording);
- An offense under Section 22.011, Penal Code (sexual assault);
- An offense under Section 22.02, Penal Code (aggravated assault);
- An offense under Section 22.021, Penal Code (aggravated sexual assault) ;
- An offense under Section 22.04, Penal Code (injury to a child, elderly individual, or disabled individual);
- An offense under Section 22.041, Penal Code (abandoning or endangering a child);
- An offense under Section 22.05, Penal Code (deadly conduct);
- An offense under Section 22.07, Penal Code (terroristic threat);
- An offense under Section 22.08, Penal Code (aiding suicide);
- An offense under Section 25.031, Penal Code (agreement to abduct from custody);
- An offense under Section 25.08, Penal Code (sale or purchase of a child);
- An offense under Section 28.02, Penal Code (arson);
- An offense under Section 29.02, Penal Code (robbery);
- An offense under Section 29.03, Penal Code (aggravated robbery);
- An offense under Section 32.53, Penal Code (exploitation of child, elderly individual, or disabled individual);
- An offense under Section 33.021, Penal Code (online solicitation of a minor);
- An offense under Section 34.02, Penal Code (money laundering);
- An offense under Section 35A.02, Penal Code (health care fraud);
- An offense under Section 36.06, Penal Code (obstruction or retaliation);
- An offense under Section 42.09, Penal Code (cruelty to livestock animals);
- An offense under Section 42.092, Penal Code (cruelty to nonlivestock animals);
- A conviction under the laws of another state, federal law, or the Uniform Code of Military Justice for an offense containing elements that are substantially similar to the elements of an offense listed by this subsection; or
- An offense the Agency determines to be contraindicated to employment with the consumers the Agency serves.

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**B. A person may not be employed in a position in which the duties involve direct contact with a patient in a facility before the fifth anniversary of the date the person is convicted of:**

- An offense under Section 22.01, Penal Code (assault punishable as a Class A misdemeanor or felony);
- An offense under Section 30.02, Penal Code (burglary);
- An offense under Chapter 31, Penal Code (theft punishable as a felony);
- An offense under Section 32.45, Penal Code (misapplication of fiduciary property or property of a financial institution punishable as a Class A misdemeanor or felony);
- An offense under Section 32.46, Penal Code (securing execution of a document by deception punishable as a Class A misdemeanor or felony);
- An offense under Section 37.12, Penal Code (false identification as a peace officer); misrepresentation of property; or
- An offense under Section 42.01(a)(7), (8), or (9), Penal Code (disorderly conduct).

**C. In addition to the prohibitions on employment prescribed by Subsections (A) and (B), a person for whom a facility licensed under Chapter 242 or 247 is entitled to obtain criminal history record information may not be employed in a facility licensed under Chapter 242 or 247 if the person has been convicted:**

- Of an offense under Section 30.02, Penal Code (burglary); or
- Under the laws of another state, federal law, or the Uniform Code of Military Justice for an offense containing elements that are substantially similar to the elements of an offense under Section 30.02, Penal Code.

**D. In addition to the prohibitions prescribed by Subsections (A), (B) and (C), a nurse aide who is designated in the NAR or the EMR with a finding concerning abuse, neglect, or exploitation or mistreatment of a patient of an agency or a facility, or misappropriation of a patient's property is not employable.**

**E. I understand that if I have been placed on deferred adjudication community supervision for an offense listed in the section above, and successfully complete the period of deferred adjudication community supervision, and receive a dismissal and discharge in accordance with Article 42A.111, Code of Criminal Procedure, I am not considered convicted of the offense.**

I acknowledge that if I am found to have been convicted of any other offense(s), that these offenses may bar my employment. I understand that all information obtained by this agency regarding any criminal history will remain confidential.

I certify that the information on this form contains no willful misrepresentation and that the information given is true and complete to the best of my knowledge.

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Signature of Applicant/Unlicensed Contractor/Employee

Date

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**FOR AGENCY USE ONLY:**

**Texas and Safety Code §250 and §253. Verification of Employability: Employee Misconduct Registry (EMR); Nurse Aide Registry (NAR)**

☐ **EMR/ NAR checked by using DADS' Employability Status Search website at:**

<https://emr.dads.state.tx.us/DadsEMRWeb/>

☐ Applicant/employee/Unlicensed Contractor is employable

☐ Applicant/employee/Unlicensed Contractor is not employable

☐ **Criminal History Check completed by one of the following methods: Electronically, disk or by typewritten form submitted to the Department of Public Safety (DPS) for unlicensed applicant/employee with face to face contact with patient.**

☐ Applicant / employee has no offense(s) and is employable

☐ Applicant/employee has offense(s) which bar employment and is not employable

☐ Applicant/employee has offense(s) which does not bar employment; offense(s) reviewed and determined to contradict employment and is not employable

☐ Applicant/employee has offense(s) which does not bar employment; Offense(s) reviewed and determined not to be a contradiction to employment and is employable

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Verified by

Date