

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

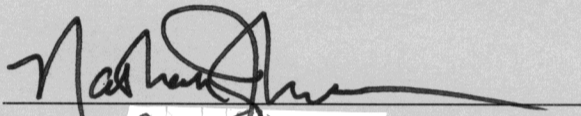
25 May 2019
Date

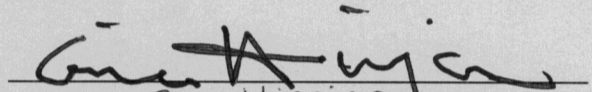
Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

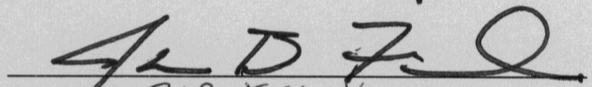
Sirs:

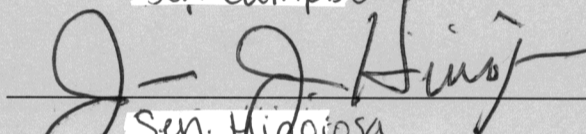
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 3193 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

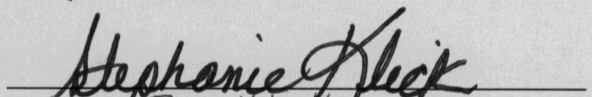

Sen. Johnson

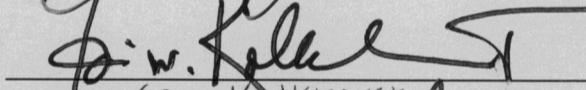

Rep. Hinojosa

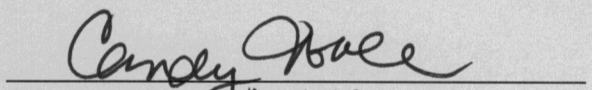
Sen. Campbell

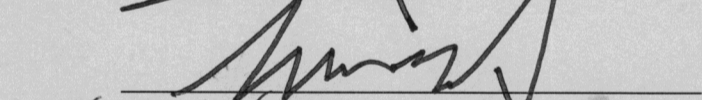

Rep. Frank

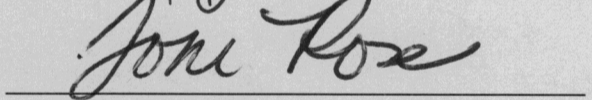

Sen. Hinojosa


Rep. Klick


Sen. Kolkhorst


Rep. Noble


Sen. Schwertner On the part of the Senate


On the part of the House Rep. ROSE

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 3193

A BILL TO BE ENTITLED

AN ACT

relating to the licensing of a home and community support services agency; increasing fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 142.006(b), Health and Safety Code, is amended to read as follows:

(b) A license issued under this chapter expires three [~~two~~] years after the date of issuance. The executive commissioner by rule may adopt a system under which licenses expire on various dates during the three-year [~~two-year~~] period. For the year in which a license expiration date is changed, the commission [~~department~~] shall prorate the license fee on a monthly basis. Each license holder shall pay only that portion of the license fee allocable to the number of months for which the license is valid. A license holder shall pay the total license renewal fee at the time of renewal. The commission [~~department~~] may issue an initial license for a shorter term to conform expiration dates for a locality or an applicant. The commission [~~department~~] may issue a temporary license to an applicant for an initial license.

SECTION 2. Section 142.010(a), Health and Safety Code, is amended to read as follows:

(a) The executive commissioner by rule shall set license fees for home and community support services agencies in amounts that are reasonable to meet the costs of administering this

1 chapter, except that the fees may not be less than \$600 or more than
2 \$2,625 [~~\$2,000~~] for a license to provide home health, hospice,
3 habilitation, or personal assistance services.

4 SECTION 3. As soon as practicable after the effective date
5 of this Act, the executive commissioner of the Health and Human
6 Services Commission shall adopt rules necessary to implement the
7 changes in law made by this Act.

8 SECTION 4. This Act takes effect September 1, 2019.

House Bill 3193
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Section 142.006(b), Health and Safety Code, is amended to read as follows:

No equivalent provision.

(b) A license issued under this chapter expires three [~~two~~] years after the date of issuance. The executive commissioner by rule *may* adopt a system under which licenses expire on *various* dates during the three-year [~~two-year~~] period.

For the year in which a license expiration date is changed, the *department* shall prorate the license fee on a monthly basis. Each license holder shall pay only that portion of the license fee allocable to the number of months for which the license is valid. A license holder shall pay the total license renewal fee at the time of renewal. The *department* may

SENATE VERSION (CS)

SECTION 1. Sections 142.006(a), (b), and (c), Health and Safety Code, are amended to read as follows:

(a) The commission [~~department~~] shall issue a home and community support services agency license to provide home health, hospice, habilitation, or personal assistance services for each place of business to an applicant if:

(1) the applicant:

(A) qualifies for the license to provide the type of service that is to be offered by the applicant;

(B) submits an application and license fee as required by this chapter; and

(C) complies with all applicable licensing standards required or adopted under this chapter; and

(2) any controlling person with respect to the applicant complies with all applicable licensing standards required or adopted under this chapter.

(b) A license issued under this chapter expires three [~~two~~] years after the date of issuance. The executive commissioner by rule shall [~~may~~] adopt a system under which licenses expire on staggered [~~various~~] dates during each three-year [~~the two-year~~] period.

The commission shall prorate the license fee as appropriate if the expiration date of a license changes as a result of this subsection

~~*[For the year in which a license expiration date is changed, the department shall prorate the license fee on a monthly basis. Each license holder shall pay only that portion of the license fee allocable to the number of months for which the license is valid. A license holder shall pay the total license renewal fee at the time of renewal. The department*~~

CONFERENCE

SECTION 1. Same as House version except as follows:

Same as House version.

(b) A license issued under this chapter expires three [~~two~~] years after the date of issuance. The executive commissioner by rule *may* adopt a system under which licenses expire on *various* dates during the three-year [~~two-year~~] period.

For the year in which a license expiration date is changed, the commission [~~department~~] shall prorate the license fee on a monthly basis. Each license holder shall pay only that portion of the license fee allocable to the number of months for which the license is valid. A license holder shall pay the total license renewal fee at the time of renewal. The

House Bill 3193
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

issue an initial license for a shorter term to conform expiration dates for a locality or an applicant. The *department* may issue a temporary license to an applicant for an initial license.

No equivalent provision.

SECTION 2. Section 142.010(a), Health and Safety Code, is amended to read as follows:

(a) The executive commissioner by rule shall set license fees for home and community support services agencies in amounts that are reasonable to meet the costs of administering this chapter, except that the fees may not be less than \$600 or more than \$2,625 [~~\$2,000~~] for a license to provide home health, hospice, habilitation, or personal assistance services.

SENATE VERSION (CS)

~~*may issue an initial license for a shorter term to conform expiration dates for a locality or an applicant. The department may issue a temporary license to an applicant for an initial license.*~~

(c) The commission [~~department~~] may find that a home and community support services agency has satisfied the requirements for licensing if the agency is accredited by an accreditation organization, such as The Joint Commission or the Community Health Accreditation Program, and the commission [~~department~~] finds that the accreditation organization has standards that meet or exceed the requirements for licensing under this chapter. A license fee is required of the home and community support services agency at the time of a license application.

SECTION 2. Sections 142.010(a) and (b), Health and Safety Code, are amended to read as follows:

(a) The executive commissioner by rule shall set license fees for home and community support services agencies in amounts that are reasonable to meet the costs of administering this chapter, except that the fees may not be less than \$600 or more than \$2,625 [~~\$2,000~~] for a license to provide home health, hospice, habilitation, or personal assistance services.

(b) The executive commissioner shall consider the size of the home and community support services agency, the number of clients served, the number of services provided, and the necessity for review of other accreditation documentation in determining the amount collected by the commission [~~department~~] for initial and renewal license fees.

CONFERENCE

commission [~~department~~] may issue an initial license for a shorter term to conform expiration dates for a locality or an applicant. The commission [~~department~~] may issue a temporary license to an applicant for an initial license.

Same as House version.

SECTION 2. Same as House version.

House Bill 3193
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

No equivalent provision.

SECTION 3. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement the changes in law made by this Act.

No equivalent provision.

SECTION 4. Effective date.

SECTION 3. Section 142.017, Health and Safety Code, is amended.

SECTION 4. As soon as practicable after the effective date of this Act *and after consulting with appropriate interested persons*, the executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement the changes in law made by this Act.

SECTION 5. Saving provision.

SECTION 6. Same as House version.

Same as House version.

SECTION 3. Same as House version.

Same as House version.

SECTION 4. Same as House version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 25, 2019

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3193 by Hinojosa (Relating to the licensing of a home and community support services agency; increasing fees.), **Conference Committee Report**

No significant fiscal implication to the State is anticipated.

The bill would change the home and community support services agency licensure period from two to three years. According to the Health and Human Services Commission (HHSC), this would require the agency to make modifications to the Texas Unified Licensure Information Portal. LBB analysis indicates that these activities could be completed with existing resources.

The bill would increase the maximum license fee for home and community support services agencies from \$2,000 to \$2,625. The Comptroller of Public Accounts indicates that the increase in the maximum license fee in combination with the increase in the license term would not have a significant fiscal impact on revenue.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 529 Health and Human Services Commission

LBB Staff: WP, AKi, JQ, MNa