

BILL ANALYSIS

S.B. 2013
By: Hinojosa
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There have been calls for increased transparency with respect to the administrative penalties that the Health and Human Services Commission (HHSC) may impose against substance use disorder service providers for the violation of the rules and statutes governing their operation. S.B. 2013 seeks to provide for that increased transparency by requiring HHSC to post online current administrative penalty schedules applicable to these providers.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 2013 amends the Health and Safety Code to require the Health and Human Services Commission (HHSC) to post on its website current administrative penalty schedules applicable to a substance use disorder service provider and to ensure that the administrative penalties listed in the posted schedules are accurate.

S.B. 2013 requires HHSC to conduct a study to evaluate certain administrative penalties assessed by HHSC against those providers. In conducting the study, HHSC must evaluate the following:

- the effect of administrative penalties assessed against substance use disorder service providers on or before the repeal on March 1, 2020, of certain outdated provisions of the Texas Administrative Code regarding investigations of, and hearings involving, chemical dependency treatment facilities that were applicable to the former Texas Commission on Alcohol and Drug Abuse;
- the impact on substance use disorder service providers since March 1, 2020, of administrative penalties assessed against providers under those repealed provisions;
- the economic impact on substance use disorder service providers of the change in the administrative penalty schedule since March 1, 2020;
- the effect of all of these changes on the ability of a substance use disorder service provider to provide services in Texas; and
- whether the administrative penalty schedule relating to substance use disorder service providers adopted after March 1, 2020, is appropriate.

Not later than January 1, 2022, HHSC must prepare and submit to the legislature a written report containing the results of the study and any recommendations for legislative or other action. These provisions expire September 1, 2023.

EFFECTIVE DATE

September 1, 2021.