

- SUBJECT:** Revising licensing and regulation of home health agencies
- COMMITTEE:** Human Services — favorable, with amendments
- VOTE:** 5 ayes — Wohlgemuth, Christian, McCall, Miller, Reyna
0 nays
4 absent — Uresti, Naishtat, Olivo, Villarreal
- SENATE VOTE:** On final passage, May 8 — 31-0, on Local and Uncontested Calendar
- WITNESSES:** No public hearing
- BACKGROUND:** Home health agencies provide both short-term acute-care services and long-term care services. Medicaid and state-funded long-term care home and community-based health services are offered through several state agencies, including the Texas Department of Health (TDH), the Texas Department of Human Services (DHS), the Texas Department of Mental Health and Mental Retardation, and the Texas Rehabilitation Commission (TRC). In 1999, the 76th Legislature transferred the regulation of home health agencies from TDH to DHS, which regulates other long-term care services such as nursing homes and assisted living facilities.
- Under Health and Safety Code, sec. 142.0062(a), nurses employed by home health agencies may buy, store, and transport hepatitis B, influenza, and tuberculosis vaccines for purposes of administering them to employees, patients, or patients’ families.
- DIGEST:** SB 1498, as amended, would make conforming and other changes to laws governing licensing and regulation of home health agencies. It would define personal care services as bathing, dressing, grooming, feeding, exercising, toileting, positioning, routine hair and skin care, assisting with self-administered medications, and transfer or ambulation.
- A person who was not licensed as a personal care assistant could not indicate or imply licensure by using the words “personal assistance services.” People

administering services only to clients at MHMR or to DHS clients through a consumer-directed purchasing program would not need to be licensed.

DHS and other health and human services agencies could investigate reported abuse or neglect without an on-site survey.

The bill would allow nurses employed by home health agencies to buy, store, and transport the pneumonia vaccine for purposes of administering it to employees, patients, or patients' families.

The bill would take effect September 1, 2003.

**SUPPORTERS
SAY:**

SB 1498 would protect elderly, sick, and disabled clients by clarifying the law regarding personal assistance services. Some private agencies that should be licensed operate without a license because the law is unclear about what constitutes personal assistance services. Defining these services would make it necessary for private agencies to obtain licenses and to establish a grievance process and conduct background checks on employees.

The bill also would make many conforming changes to bring the statutes in line with regulatory functions transferred from TDH to DHS by the 76th Legislature.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

The committee substitute amended the Senate engrossed version of SB 1498 by:

- making conforming changes to the definition of "facility" under Health and Safety Code, ch. 250, which requires criminal history background checks on employees and applicants in facilities that serve the elderly or people with disabilities, and
- adding the authority for nurses employed by home health agencies to buy, store, and transport the pneumonia vaccine for purposes of administering it to employees, patients, or patients' families.