

**SUBJECT:** Requiring the suspension of certain residential caregivers

**COMMITTEE:** Human Services — committee substitute recommended

**VOTE:** 7 ayes — Frank, Rose, Campos, Hull, Manuel, Noble, Shaheen  
1 nay — Klick  
1 absent — Ramos

**WITNESSES:** For — Don Moore (*Registered, but did not testify*: Dennis Borel, Coalition of Texans with Disabilities; Bill Kelly, Mayor’s Office City of Houston; Hannah Gill, Greg Hansch, NAMI Texas; Ashley Ford, The Arc of Texas; Stephanie Deroy)  
  
Against — None  
  
On — Corey Kintzer, Health and Human Services Commission; Sandra Batton, Providers Alliance for Community Services of Texas; Isabel Casas, Texas Council of Community Centers and Private Providers Association of Texas (*Registered, but did not testify*: Laura Cazabon-Braly, Health and Human Services Commission)

**BACKGROUND:** Concerns have been raised that residential caregivers under investigation for misconduct are not barred from caring for individuals with intellectual or developmental disabilities until the appeals process is exhausted, which allows these individuals to continue providing care until the final decision is made.

**DIGEST:** CSHB 1008 would define “residential caregiver” as an individual who provided community-based residential care services through a group home or other residential facility operating under the authority of the Health and Human Services Commission (HHSC) to four or fewer individuals with an intellectual or developmental disability at a residence other than the home of the individual providing the services. The bill also would amend the definition of “facility” to include state-supported living centers.

Medicaid providers, including those providing services under a home and community-based services waiver program, who employed or contracted with a residential caregiver to provide community-based residential care services through a group home or certain other residential facilities would be required to suspend the employment or contract of an individual who HHSC found had engaged in reportable conduct while the individual exhausted any applicable appeals process. The provider could not reinstate the individual's employment or contract during the course of any applicable appeals process.

HHSC would disenroll any providers who violated the provisions of the bill from participation in Medicaid. HHSC's executive commissioner would adopt rules necessary to implement these provisions.

Facilities also would be required to suspend the employment of a facility employee who HHSC found had engaged in reportable conduct while the employee exhausted any applicable appeals process. The facility could not reinstate the employee's position during the course of any applicable appeals process.

Reportable conduct would include the following actions against a resident or individual using the consumer-directed service option:

- abuse or neglect that caused or could cause death or harm to an individual;
- sexual abuse;
- financial exploitation of an individual in an amount of \$25 or more; and
- emotional, verbal, or psychological abuse that caused harm.

If a state agency determined that a waiver or authorization from a federal agency was necessary to implement any provision the bill, the agency would be required to request the waiver and could delay implementation until the waiver or authorization was granted for that provision.

The bill would take effect September 1, 2023.

NOTES:

According to the Legislative Budget Board, CSHB 1008 would have a negative impact of \$890,642 on general revenue related funds for fiscal 2024-2025.