

## **BILL ANALYSIS**

Senate Research Center

C.S.H.B. 2601  
By: Wohlgemuth (Carona)  
Health & Human Services  
5-2-97  
Committee Report (Substituted)

### **DIGEST**

Personal care facilities provide food and shelter to four or more individuals who are unrelated to the proprietor and personal care services defined in Section 247.002 (B), Health and Safety Code. The residents of personal care facilities are not in need of continuous medical intervention, but some do need assistance with taking medication and other personal needs. These facilities are a popular choice for many individuals who do not need nursing home care. The growing need and popularity for this type of facility has prompted the construction of many new homes in Texas. Unfortunately, with the large increase in personal care facilities, reports of exploitation in unlicensed facilities have also increased.

In 1996, the House Committee on Human Services, in fulfillment of its interim charges, obtained documentation from the Department of Human Services citing 3,000 to 4,000 unlicensed facilities throughout the state in 1995. The Committee heard testimony that estimated the number of unlicensed facilities to have increased to approximately 6,000. Consequently, the committee recommended that a specific plan be developed that addresses unlicensed personal care facilities. This bill requires personal care facilities to use their license number in advertising, imposes additional penalties for operating without a personal care facility license, and increases cooperation among state regulatory agencies charged with oversight for personal care services delivery.

### **PURPOSE**

As proposed, C.S.H.B. 2601 requires personal care facilities to use their license number in advertising, imposes additional penalties for operating without a personal care facility license, and increases cooperation among state regulatory agencies charged with oversight for personal care services delivery.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Department of Protective and Regulatory Services in SECTION 4 (Section 247.046, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section Section 247.024, Health and Safety Code, as follows:

Sec. 247.024. New heading: FEES; DISPOSITION OF REVENUE. Requires the Texas Board of Human Services to set certain license fees. Provides that all penalties are to be deposited to the credit of the general revenue fund. Prohibits investigation and attorney's fees from being assessed or collected from certain entities.

SECTION 2. Amends Section 247.026(b), Health and Safety Code, to require a standard to require a personal care facility to use its license number in all advertisements, solicitations, and promotional materials.

SECTION 3. Amends Section 247.044(a), Health and Safety Code, to authorize the Department of Human Services to petition a court for a temporary restraining order against a facility operating without a license.

SECTION 4. Amends Section 247.045, Health and Safety Code, to set forth provisions by which a person is subject to a civil penalty. Sets forth the amount of the civil penalty.

SECTION 5. Amends Section 247.046, Health and Safety Code, to require the Department of Protective and Regulatory Services, by rule, to adopt a memorandum of understanding which sets forth certain items.

SECTION 6. Effective date: September 1, 1997.

SECTION 7. Emergency clause.

#### **SUMMARY OF COMMITTEE CHANGES**

SECTION 1.

Amends Section 2471.024, Health and Safety Code, regarding fees and disposition of revenue.