

## **BILL ANALYSIS**

Senate Research Center

S.B. 1234  
By: Moncrief  
Health and Human Services  
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As Filed

### **DIGEST**

Currently, the Texas Department of Health (department) is directed to govern the licensure of home and community support services agencies. These regulations include governing providers of hospice, respite and personal assistance services, as well as providers already monitored by other state agencies. As a result, there is a duplication of process by the government in regard to regulation of such home and community support services agencies. This bill would require the department to find that certain home and community support services agencies have satisfied the licensing requirements if the agency is certified and monitored by a state agency that has developed standards which ensure the health and safety of service recipients. Additionally, this bill would exempt such agencies from department surveys and administrative penalties assessed by the department.

### **PURPOSE**

As proposed, S.B. 1234 sets forth guidelines for the regulation of certain home and community support services agencies by the Texas Department of Health.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 142.006, Health and Safety Code, by amending Subsection (d) and by adding Subsections (e)-(g), to require, rather than authorize the Department of Health (department) to find that a home and community support services agency, only providing long-term care Medicaid waiver services that are publicly funded, has satisfied the requirements for licensing under this chapter if the agency is certified and monitored by a state agency that has developed standards which ensure the health and safety of service recipients. Provides that the department will review the certification standards for home and community support services agencies licensed under this section. Deletes previous provisions relating to certification standards. Requires the department to find that a home and community support services agency that provides home health, hospice, or personal assistance services only to persons enrolled in a program that is funded in whole or in part by the Texas Department of Mental Health and Mental Retardation (MHMR) and is monitored by MHMR or its designated local authority in accordance with standards set by MHMR has satisfied the requirements for licensing. Requires a person to provide the department with documentation issued by the agency that certifies and monitors the home and community support services agency that demonstrates that the person complies with applicable standards. Provides that a license fee is required at the time of the application. Makes conforming changes.

SECTION 2. Amends Section 142.009, Health and Safety Code, by amending Subsections (i)-(k) and by adding Subsection (l), to provide that a home and community support services agency licensed under Section 142.006(d) or (e) is not subject to surveys conducted by licensing personnel of the department to meet the requirements of this chapter. Makes conforming changes.

SECTION 3. Amends Chapter 142A, Health and Safety Code, by adding Section 142.017, as follows:

Sec. 142.017. ADMINISTRATIVE PENALTY. Authorizes the department to assess an

administrative penalty against a person who violates this chapter or rule adopted under this chapter except for home and community support services agencies licensed under Sections 142.006(d) and (e), that are certified and monitored by a state agency. Provides that the agencies listed in Sections 142.006(d) and (e) are subject to sanctions or penalties by the state agency that certifies and monitors the services and each such agency is required to inform the department within 5 working days of any sanction or adverse action taken against a home and community support services licensed under Sections 142.006(d) and (e). Authorizes the department to take enforcement action under this chapter, except for the assessment of administrative penalties against a home and community support services agency licensed under Section 142.006(d) or (e).

SECTION 4. Effective date: September 1, 1997.

SECTION 5. Emergency clause.