

## **BILL ANALYSIS**

Senate Research Center  
76R10979 DLF-D

H.B. 2909  
By: Naishtat (Moncrief)  
Health Services  
5/13/1999  
Engrossed

### **DIGEST**

Currently, the Department of Human Services (department) is authorized to collect fees from nursing facilities to maintain the nursing and convalescent home trust fund. The trust fund is limited to \$500,000. H.B. 2909 requires the department to adopt a fee to be charged and collected if the amount in the nursing and convalescent home trust fund is less than \$10,000,000, rather than \$500,000. In addition, this bill authorizes the department to charge and collect a fee, in accordance with this provision, more than once a year only if necessary to ensure that the amount in the nursing and convalescent home trust fund is sufficient to make the disbursements required under Section 242.096 (Nursing and Convalescent Home Trust Fund and Emergency Assistance Funds). The department is required to notify the governor and the Legislative Budget Board if the department makes a second or subsequent assessment.

### **PURPOSE**

As proposed, H.B. 2909 sets forth provisions regarding the nursing and convalescent home trust fund.

### **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 242.096(e), Health and Safety Code, to require any unencumbered amount in the nursing and convalescent home trust fund in excess of \$10,000,000, rather than \$500,000, at the end of each fiscal year to be transferred as provided by this section.

SECTION 2. Amends Section 242.097, Health and Safety Code, to require the Texas Department of Human Services (department) to adopt a fee to be charged and collected if the amount in the nursing and convalescent home trust fund is less than \$10,000,000, rather than \$500,000. Authorizes the department to charge and collect a fee under this section more than once a year only if necessary to ensure that the amount in the nursing and convalescent home trust fund is sufficient to make the disbursements required under Section 242.096 (Nursing and Convalescent Home Trust Fund and Emergency Assistance Funds). Requires the department to notify the governor and the members of the Legislative Budget Board, if the department makes a second or subsequent assessment under this section in any year. Requires the department to set a specified fee to provide not more than \$10,000,000, rather than \$500,000, in the fund. Prohibits the total fees assessed in a year from exceeding \$20 for each licensed unit of capacity or bed space in a home.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Emergency clause.  
Effective date: upon passage.