

## **BILL ANALYSIS**

Senate Research Center  
76R8544 DLF-D

S.B. 1197  
By: Moncrief  
Health Services  
3/15/1999  
As Filed

### **DIGEST**

Currently, Texas law does not set guidelines for operating a nursing home in which a trustee is appointed and emergency assistance funds are used. S.B. 1197 would prohibit a person owning, controlling, or operating a nursing home in which a trustee is appointed and emergency assistance funds are used, to be licensed as a nursing home operator for five years, and would increase the penalty for occasions when trustees and emergency funds are appropriated.

### **PURPOSE**

As proposed, S.B. 1197 sets forth consequences for appointment of a trustee or expenditure of emergency assistance funds for a nursing or convalescent home.

### **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 Chapter 242D, Health and Safety Code, by adding Section 242.102, as follows:

Sec. 242.102. INELIGIBILITY FOR LICENSE. Provides that a person who owns, controls, or operates a home for which a trustee is appointed under this subchapter or with respect to which emergency assistance funds are used under this subchapter is ineligible for issuance or renewal of a license under this chapter before the fifth anniversary of the later of a certain date. Provides that for purposes of this section, a person "controls" a home, if the person is any person described by Sections 242.032(d)(2)-(4).

SECTION 2. Amends Chapter 12D, Penal Code, by adding Section 12.48, as follows:

Sec. 12.48. CERTAIN OFFENSES RESULTING IN LOSS TO NURSING AND CONVALESCENT HOMES. Provides that, if it is shown on the trial of an offense under Chapter 31 or 32 that, as a result of a loss incurred because of the conduct charged, a trustee was appointed or emergency assistance funds were used for a nursing or convalescent home under Chapter 242D, Health and Safety Code, the punishment for the offense is increased to the punishment prescribed for the next higher category of offense, except that a felony of the first degree is punished as a felony of the first degree.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Emergency clause.