

BILL ANALYSIS

Senate Research Center
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S.B. 96
By: Moncrief
Health Services
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As Filed

DIGEST

Currently, the Texas Department of Health (TDH) regulates home and community support services agencies and home health medication aides. While most long-term care services in the State of Texas (nursing facilities, personal care facilities) are regulated by Texas Department of Human Services (DHS), TDH still regulates home and health care services. DHS' goals are focused on regulating providers of long-term care services. TDH's regulation of home health, however, is focused on Medicare's Conditions of Participation, which in turn are oriented towards an acute care model of home health. DHS is currently re-engineering its long-term care regulatory system, but is not focused on home health, a significant oversight in the overall regulation of long-term care in Texas. This bill would transfer all licensing functions of home health and community support services agencies from TDH to DHS.

PURPOSE

As proposed, S.B. 96 transfers the licensing and regulation of home and community support services agencies or home health medication aides to the Texas Department of Human Services.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the secretary of state in SECTION 1(e) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. (a) Transfers the licensing and regulation of home and community support services agencies (agencies) and home health medication aides (aides) from the Texas Department of Health (TDH) to the Texas Department of Human Services (DHS) on September 1, 2001 or an earlier date provided by an interagency agreement between TDH and DHS.

(b) Transfers all funds, obligations, and contracts related to the licensing and regulation of agencies or aides to DHS on September 1, 2001 or an earlier date.

(c) Transfers all property and records related to the licensing and regulation of agencies or aides to DHS. Transfers all funds appropriated by the legislature to TDH for the licensing and regulation of agencies or aides to DHS.

(d) Provides that TDH employees who perform the duties related to the licensing and regulation of agencies or aides under Chapter 142, Health and Safety Code, become employees of DHS, to be assigned duties by the commissioner of human services.

(e) Provides that TDH rules or forms relating to the licensing and regulation of agencies or aides are rules or forms of DHS and will remain in effect until changed by DHS. Authorizes the secretary of state to adopt rules as necessary to implement this subsection.

(f) Provides that the transfer of the licensing and regulation of agencies and aides does not affect any act done, obligation, right, order, license, permit, rule, criterion, standard, existing requirement, investigation begun, or any penalty accrued under former law, and that law remains in effect for any action concerning these matters.

(g) Provides that any action brought or proceeding commenced before the transfer is governed by the law and rules applicable to the action or proceeding before the transfer date.

(h) Provides that a reference in law to TDH or the Texas Board of Health that relates to the licensing and regulation of agencies or aides means DHS and the Texas Board of Human Services, respectively.

SECTION 2. Emergency clause.

Effective date: upon passage.