

BILL ANALYSIS

Senate Research Center
76R6244 KKA-D

C.S.S.B. 96
By: Moncrief
Health Services
2/24/1999
Committee Report (Substituted)

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 toward 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, certification, and regulation functions of home health and community support services agencies from TDH to DHS.

PURPOSE

As proposed, C.S.S.B. 96 transfers the licensing, certification, 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 certification of home and community support services agencies on behalf of the United States Department of Health and Human Services for purposes of participation in the Medicare program from the Texas Department of Health (TDH) to the Texas Department of Human Services (DHS), on September 1, 2001 or an earlier date.

(b) Transfers functions listed in Subsection (a) of this section, rather than licensing and regulation of home and community support services agencies or home medication aides, to DHS, on September 1, 2001 or an earlier date.

(c) - (h) Makes conforming changes.

SECTION 2. Provides that notwithstanding SECTION 1 of this Act, if legislation creating a new state agency to regulate long-term care services is enacted by the 76th Legislature and becomes law, the functions listed in SECTION 1(a) of this Act are transferred from TDH to that agency. Requires the transfer to be accomplished in the manner provided by SECTION 1 of this Act, and references in that section to DHS are considered to be references to the new state agency for long-term care.

SECTION 3. Emergency clause.

Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

Relating clause.

Amends the relating clause to add certification of home health and community support services agencies.

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States Department of Health and Human Services for purposes of participation in the Medicare program from TDH to DHS. Transfers functions listed in Subsection (a) of this section, rather than licensing and regulation of home and community support services agencies or home medication aides, to DHS. Makes conforming changes.

SECTION 2.

Provides that notwithstanding SECTION 1 of this Act, if legislation creating a new state agency to regulate long-term care services is enacted by the 76th Legislature and becomes law, the functions listed in SECTION 1(a) of this Act are transferred from TDH to that agency. Requires the transfer to be accomplished in the manner provided by SECTION 1 of this Act, and references in that section to DHS are considered to be references to the new state agency for long-term care.