

## **BILL ANALYSIS**

Senate Research Center

H.B. 456  
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Health & Human Services  
5/9/2001  
Engrossed

### **DIGEST AND PURPOSE**

Currently, under the state's voucher payment program, a person with a disability may use the voucher payment option to pay for certain health care services. Many of the tasks, such as regularly scheduled oral and topical medication administration, feeding, and medication administration through permanently placed gastrostomy tubes are normally performed by the primary caregiver. The purpose of H.B. 456 is to allow an unlicensed personal attendant hired by a consumer participating in the voucher payment program to perform those responsibilities under the direction of the consumer or the consumer's parent or guardian without the supervision of a licensed nurse who delegates or intervenes in those responsibilities. H.B. 456 exempts professional nursing services provided to persons with disabilities under the voucher payment program from nursing licensing requirements and requires the Board of Nurse Examiners to appoint a task force to review and make recommendations regarding the provision of health maintenance tasks to persons with functional disabilities in independent living environments.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 531.051, Government Code, as added by Section 1, Chapter 1288, Acts of the 76th Legislature, Regular Session, 1999, by adding Subsections (f), (g), and (h), as follows:

(f) Provides that Section 301.251(a), Occupations Code, does not apply to delivery of a service for which payment is provided under the voucher payment program developed under this section under certain conditions.

(g) Requires that if the person delivers the service under Subsection (f)(2)(B)(ii), the parent or guardian be present when the service is performed or immediately accessible to the person who delivers the service. Requires that if the person will perform the service when the parent or guardian is not present, the parent or guardian observe the person performing the service at least once to assure the parent or guardian that the person performing the service can competently perform that service.

(h) Authorizes certain types of services to be delivered under Subsection (f).

SECTION 2. Sets forth provisions relating to the creation and composition of a task force to review and make recommendations regarding the provision of health maintenance tasks to persons with functional disabilities in independent living environments.

SECTION 3. Effective date: upon passage or September 1, 2001.