

BILL ANALYSIS

Senate Research Center
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H.B. 3092
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, Adult Protective Services (APS) In-Home only provides services in investigations in which abuse, neglect, or exploitation (ANE) is validated. Effective September 2014, APS implemented a new casework practice model based on structured decision making tools developed by the National Council on Crime and Delinquency. These tools represent best practice in APS casework and include use of a validated and actuarial Risk of Recidivism assessment as contemplated by Section 48.004 (Risk Assessment) of the Human Resources Code. The Risk of Recidivism assessment tool allows APS to predict likelihood of future harm and is used to determine whether a client qualifies for intensive case services.

Under current law, in addition to a medium or high risk level on the assessment tool, a client must have a validated allegation of ANE to receive services. If a client has a medium or high risk level but does not have a valid finding of ANE, then APS cannot provide services. As a best practice model, the structured decision making process assumes the need for protective services based on client risk of recidivism and not on case validation.

H.B.N. 3092 permits APS to test a pilot project giving the agency the ability to provide services as directed through the use of the assessment tool. By December 15, 2017, the Department of Family and Protective Services must submit a report to the governor, lieutenant governor, and certain legislative committees evaluating the program and recommending whether to continue, eliminate, or expand the program. The bill explicitly sunsets this statutory authorization of the pilot program on September 1, 2019.

H.B. 3092 amends current law relating to the establishment of a pilot program to provide protective services to certain persons determined to be at risk of future harm from abuse, neglect, or exploitation.

[**Note:** While the statutory reference in this bill is to the Department of Protective and Regulatory Services (DPRS) the following amendments affect the Department of Family and Protective Services as the successor agency to DPRS.]

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 Subchapter E, Chapter 48, Human Resources Code, by adding Section 48.212, as follows:

Sec. 48.212. PILOT PROGRAM TO PROVIDE PROTECTIVE SERVICES TO PERSONS AT RISK OF FUTURE HARM. (a) Requires the Department of Protective and Regulatory Services (DPRS), using existing resources, to develop and implement a pilot program that evaluates the feasibility and associated benefits of providing protective services when an elderly person or person with a disability has been determined, using criteria developed under Section 48.004 (Risk Assessment), to be at risk of future harm from abuse, neglect, or exploitation, but who is not in a state of abuse, neglect, or

exploitation, notwithstanding any other law, including Section 48.002(a)(5) (defining "protective services").

(b) Provides that Section 48.1523 (Management Review Following Certain Investigations) does not apply to reports considered under the pilot program developed under this section.

(c) Authorizes DPRS to terminate the pilot program if the executive commissioner determines the termination is appropriate. Provides that the pilot program terminates August 31, 2017, unless the program is terminated before that date in accordance with this subsection.

(d) Provides that this section expires September 1, 2019.

SECTION 2. Requires the Department of Family and Protective Services (DFPS) to develop and implement the pilot program required under Section 48.212, Human Resources Code, as added by this Act.

SECTION 3. (a) Requires DFPS to prepare and issue a report of preliminary findings from the pilot program required under Section 48.212, Human Resources Code, as added by this Act, to the governor of the State of Texas, the lieutenant governor, and the standing legislative committees with primary jurisdiction over health and human services, not later than December 15, 2016.

(b) Requires DFPS to submit a final report on the pilot program to the persons and entities described under Subsection (a) of this section, not later than December 15, 2017. Requires the report to include certain information set forth.

SECTION 4. Requires that, if before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision request a waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 5. Effective date: September 1, 2015.