

## **BILL ANALYSIS**

Senate Research Center  
86R21204 SCL-F

H.B. 3079  
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Health & Human Services  
5/12/2019  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law is silent regarding which agency has the authority to investigate allegations of abuse, neglect, and exploitation against persons in inpatient hospice facilities who are not enrolled in Medicaid. The Health and Human Services Commission (HHSC) currently conducts these type of investigations through an informal agreement with the Department of Family and Protective Services.

Based on a recommendation from HHSC, H.B. 3079 would provide HHSC with clear statutory authority to investigate abuse, neglect, and exploitation of a client of any age receiving inpatient hospice services at a home and community support services agency if the alleged perpetrator is affiliated with the agency. A lack of clear statutory authority could cause legal challenges to the agency's findings in these investigations, potentially compromising its ability to protect vulnerable persons from perpetrators of abuse, neglect, and exploitation.

H.B. 3079 amends current law relating to investigations of abuse, neglect, or exploitation of home and community support services agencies providing inpatient hospice services.

### **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 A, Chapter 142, Health and Safety Code, by adding Section 142.0095, as follows:

Sec. 142.0095. INVESTIGATIONS OF HOME AND COMMUNITY SUPPORT SERVICES AGENCIES PROVIDING HOSPICE SERVICES. Requires the Health and Human Services Commission or its authorized representative to investigate an allegation of abuse, neglect, or exploitation of a client of any age of a home and community support services agency if:

- (1) the abuse, neglect, or exploitation occurs when the client is receiving inpatient hospice services; and
- (2) the alleged perpetrator of the abuse, neglect, or exploitation is an employee, volunteer, contractor, or subcontractor of the home and community support services agency.

SECTION 2. Makes application of Section 142.0095, Health and Safety Code, as added by this Act, prospective.

SECTION 3. Effective date: upon passage or September 1, 2019.