

BILL ANALYSIS

Senate Research Center
86R34455 JG-F

C.S.H.B. 3803
By: Guillen; Klick (Zaffirini)
Health & Human Services
5/19/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There have been concerns regarding the amount of penalties that can accrue for smaller intermediate care facilities that care for persons with an intellectual or developmental disability. Although the legislature recently revised the administrative penalty structure to provide for more uniform penalties across service types, it has been noted that disparities remain and that these smaller facilities could be penalized out of business. H.B. 3803 would cap the total amount of a certain administrative penalty assessed for each day a violation occurs or continues for a facility with fewer than 60 beds and a facility with 60 beds or more. H.B. 3803 would ensure that facilities are held responsible for their actions, while still allowing them the opportunity to continue to serve their community. (Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 3803 amends current law relating to the maximum amount of an administrative penalty assessed on certain long-term care facilities.

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 252.065(b), Health and Safety Code, to prohibit the total amount of a penalty assessed under this subsection for each day a violation occurs or continues from exceeding \$5,000 for each facility with fewer than 60 beds and \$25,000 for a facility with 60 beds or more.

SECTION 2. Provides that the Health and Human Services Commission (HHSC) is required to implement a provision of this Act only if the legislature appropriates money to HHSC specifically for that purpose. Authorizes, but does not require, HHSC, if the legislature does not appropriate money specifically for that purpose, to implement a provision of this Act using other appropriations that are available for that purpose.

SECTION 3. Effective date: September 1, 2019.