

By: Kolkhorst

S.B. No. 1808

A BILL TO BE ENTITLED

1 AN ACT
2 relating to home and community support services licensing
3 requirements.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 142.003(a), Health and Safety Code, is
6 amended to read as follows:

7 (a) The following persons need not be licensed under this
8 chapter:

9 (1) a physician, dentist, registered nurse,
10 occupational therapist, or physical therapist licensed under the
11 laws of this state who provides home health services to a client
12 only as a part of and incidental to that person's private office
13 practice;

14 (2) a registered nurse, licensed vocational nurse,
15 physical therapist, occupational therapist, speech therapist,
16 medical social worker, or any other health care professional as
17 determined by the department who provides home health services as a
18 sole practitioner;

19 (3) a registry that operates solely as a clearinghouse
20 to put consumers in contact with persons who provide home health,
21 hospice, habilitation, or personal assistance services and that
22 does not maintain official client records, direct client services,
23 or compensate the person who is providing the service;

24 (4) an individual whose permanent residence is in the

1 client's residence;

2 (5) an employee of a person licensed under this
3 chapter who provides home health, hospice, habilitation, or
4 personal assistance services only as an employee of the license
5 holder and who receives no benefit for providing the services,
6 other than wages from the license holder;

7 (6) a home, nursing home, convalescent home, assisted
8 living facility, special care facility, or other institution for
9 individuals who are elderly or who have disabilities that provides
10 home health or personal assistance services only to residents of
11 the home or institution;

12 (7) a person who provides one health service through a
13 contract with a person licensed under this chapter;

14 (8) a durable medical equipment supply company;

15 (9) a pharmacy or wholesale medical supply company
16 that does not furnish services, other than supplies, to a person at
17 the person's house;

18 (10) a hospital or other licensed health care facility
19 that provides home health or personal assistance services only to
20 inpatient residents of the hospital or facility;

21 (11) a person providing home health or personal
22 assistance services to an injured employee under Title 5, Labor
23 Code;

24 (12) a visiting nurse service that:

25 (A) is conducted by and for the adherents of a
26 well-recognized church or religious denomination; and

27 (B) provides nursing services by a person exempt

1 from licensing by Section 301.004, Occupations Code, because the
2 person furnishes nursing care in which treatment is only by prayer
3 or spiritual means;

4 (13) an individual hired and paid directly by the
5 client or the client's family or legal guardian to provide home
6 health or personal assistance services;

7 (14) a business, school, camp, or other organization
8 that provides home health or personal assistance services,
9 incidental to the organization's primary purpose, to individuals
10 employed by or participating in programs offered by the business,
11 school, or camp that enable the individual to participate fully in
12 the business's, school's, or camp's programs;

13 (15) a person or organization providing
14 sitter-companion services or chore or household services that do
15 not involve personal care, health, or health-related services;

16 (16) a licensed health care facility that provides
17 hospice services under a contract with a hospice;

18 (17) a person delivering residential acquired immune
19 deficiency syndrome hospice care who is licensed and designated as
20 a residential AIDS hospice under Chapter 248;

21 (18) the Texas Department of Criminal Justice;

22 (19) a person that provides home health, hospice,
23 habilitation, or personal assistance services only to persons
24 receiving benefits under:

25 (A) the home and community-based services (HCS)
26 waiver program;

27 (B) the Texas home living (TxHmL) waiver program;

1 (C) the STAR + PLUS or other Medicaid managed
2 care program under the program's HCS or TxHmL certification; [~~or~~]

3 (D) Section 534.152, Government Code; or

4 (E) the Intellectual and developmental
5 disabilities habilitative specialized services (IHSS) programs; or

6 (20) an individual who provides home health or
7 personal assistance services as the employee of a consumer or an
8 entity or employee of an entity acting as a consumer's fiscal agent
9 under Section 531.051, Government Code.

10 SECTION 2. This Act takes effect September 1, 2021.