

1 AN ACT

2 relating to the operation of a hospital at home program by certain
3 hospitals; authorizing a fee.

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

5 SECTION 1. Chapter 241, Health and Safety Code, is amended
6 by adding Subchapter M to read as follows:

7 SUBCHAPTER M. HOSPITAL AT HOME PROGRAM

8 Sec. 241.401. DEFINITIONS. In this subchapter:

9 (1) "Acute hospital care at home waiver program"

10 means:

11 (A) the program established by the Centers for
12 Medicare and Medicaid Services under 42 U.S.C. Section 1320b-5 that
13 waives the requirements of 42 C.F.R. Sections 482.23(b) and (b)(1);
14 and

15 (B) a successor program to the program described
16 by Paragraph (A) that is established by the United States Congress
17 or the Centers for Medicare and Medicaid Services.

18 (2) "Hospital at home program" means a program
19 operated by a hospital to provide in a home setting health care
20 services that are considered to be acute hospital care for purposes
21 of the acute hospital care at home waiver program.

22 Sec. 241.402. APPROVAL REQUIRED. A hospital may not
23 operate a hospital at home program unless the hospital is approved
24 to operate the program by:

1 (1) the Centers for Medicare and Medicaid Services;
2 and
3 (2) the commission under this subchapter.

4 Sec. 241.403. MINIMUM STANDARDS. (a) The executive
5 commissioner shall adopt rules establishing minimum standards for
6 the operation of a hospital at home program by a hospital.

7 (b) The standards established under Subsection (a) must be
8 at least as stringent as the standards established by the Centers
9 for Medicare and Medicaid Services under the acute hospital care at
10 home waiver program.

11 Sec. 241.404. APPLICATION; APPROVAL. (a) An applicant for
12 approval to operate a hospital at home program under this
13 subchapter must:

14 (1) submit an application to the commission in the
15 form and manner prescribed by the commission; and

16 (2) pay a fee in the amount set by the commission under
17 Section 241.405.

18 (b) The commission shall approve an application submitted
19 by an applicant under Subsection (a) of this section if the
20 applicant meets the standards established under Section 241.403 and
21 satisfies the requirements of this section.

22 (c) The commission may request that an applicant provide
23 additional information necessary to determine whether the
24 applicant meets the standards established under Section 241.403
25 after the applicant has submitted an application.

26 Sec. 241.405. FEE. (a) The commission may establish a fee
27 to be assessed for the consideration of an application submitted

1 under this subchapter.

2 (b) The commission must set the fee in an amount that is
3 reasonable and necessary to cover the costs of administering this
4 subchapter.

5 Sec. 241.406. WAIVER OF REQUIREMENTS. (a) The commission
6 by order may waive or modify a requirement of a particular provision
7 of this subchapter or a standard established under this subchapter
8 if the commission determines that the waiver or modification:

9 (1) will facilitate a hospital's creation or operation
10 of a hospital at home program; and

11 (2) is in the best interests of the individuals who are
12 or will be served by the hospital's hospital at home program.

13 (b) Sections 241.026(d) and (e) apply to a waiver or
14 modification under this section.

15 SECTION 2. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 1890 was passed by the House on May 2, 2023, by the following vote: Yeas 133, Nays 8, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1890 was passed by the Senate on May 15, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor