

By: Jetton

H.B. No. 1890

Substitute the following for H.B. No. 1890:

By: Klick

C.S.H.B. No. 1890

A BILL TO BE ENTITLED

AN ACT

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

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

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

SUBCHAPTER M. HOSPITAL AT HOME PROGRAM

Sec. 241.401. DEFINITIONS. In this subchapter:

(1) "Acute hospital care at home waiver program" means:

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

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

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

Sec. 241.402. APPROVAL REQUIRED. A hospital may not operate a hospital at home program unless the hospital is approved 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.