

By: Jetton

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. (a) A hospital may not operate a hospital at home program unless the hospital:

(1) is approved by the Centers for Medicare and

1 Medicaid Services to operate the program; and

2 (2) receives approval from the commission under this  
3 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  
12 under this subchapter must:

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

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

17 (b) The commission shall approve an applicant to operate a  
18 hospital at home program under this subchapter if the applicant  
19 meets the standards established under Section 241.403 and satisfies  
20 the requirements of this section.

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

25 Sec. 241.405. FEES. (a) The commission may establish a fee  
26 to be assessed for approval under this subchapter.

27 (b) The commission must set the fee in an amount that is

1 reasonable and necessary to cover the costs of administering this  
2 subchapter.

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

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

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

11 (b) Sections [241.026](#)(d) and (e) apply to a waiver or  
12 modification under this section.

13 SECTION 2. This Act takes effect September 1, 2023.