

1-1 By: Jetton (Senate Sponsor - Menéndez) H.B. No. 1890
 1-2 (In the Senate - Received from the House May 3, 2023;
 1-3 May 4, 2023, read first time and referred to Committee on Health &
 1-4 Human Services; May 11, 2023, reported favorably by the following
 1-5 vote: Yeas 9, Nays 0; May 11, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the operation of a hospital at home program by certain
 1-20 hospitals; authorizing a fee.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Chapter 241, Health and Safety Code, is amended
 1-23 by adding Subchapter M to read as follows:

1-24 SUBCHAPTER M. HOSPITAL AT HOME PROGRAM

1-25 Sec. 241.401. DEFINITIONS. In this subchapter:

1-26 (1) "Acute hospital care at home waiver program"
 1-27 means:

1-28 (A) the program established by the Centers for
 1-29 Medicare and Medicaid Services under 42 U.S.C. Section 1320b-5 that
 1-30 waives the requirements of 42 C.F.R. Sections 482.23(b) and (b)(1);
 1-31 and

1-32 (B) a successor program to the program described
 1-33 by Paragraph (A) that is established by the United States Congress
 1-34 or the Centers for Medicare and Medicaid Services.

1-35 (2) "Hospital at home program" means a program
 1-36 operated by a hospital to provide in a home setting health care
 1-37 services that are considered to be acute hospital care for purposes
 1-38 of the acute hospital care at home waiver program.

1-39 Sec. 241.402. APPROVAL REQUIRED. A hospital may not
 1-40 operate a hospital at home program unless the hospital is approved
 1-41 to operate the program by:

1-42 (1) the Centers for Medicare and Medicaid Services;
 1-43 and

1-44 (2) the commission under this subchapter.

1-45 Sec. 241.403. MINIMUM STANDARDS. (a) The executive
 1-46 commissioner shall adopt rules establishing minimum standards for
 1-47 the operation of a hospital at home program by a hospital.

1-48 (b) The standards established under Subsection (a) must be
 1-49 at least as stringent as the standards established by the Centers
 1-50 for Medicare and Medicaid Services under the acute hospital care at
 1-51 home waiver program.

1-52 Sec. 241.404. APPLICATION; APPROVAL. (a) An applicant for
 1-53 approval to operate a hospital at home program under this
 1-54 subchapter must:

1-55 (1) submit an application to the commission in the
 1-56 form and manner prescribed by the commission; and

1-57 (2) pay a fee in the amount set by the commission under
 1-58 Section 241.405.

1-59 (b) The commission shall approve an application submitted
 1-60 by an applicant under Subsection (a) of this section if the
 1-61 applicant meets the standards established under Section 241.403 and

2-1 satisfies the requirements of this section.

2-2 (c) The commission may request that an applicant provide
2-3 additional information necessary to determine whether the
2-4 applicant meets the standards established under Section 241.403
2-5 after the applicant has submitted an application.

2-6 Sec. 241.405. FEE. (a) The commission may establish a fee
2-7 to be assessed for the consideration of an application submitted
2-8 under this subchapter.

2-9 (b) The commission must set the fee in an amount that is
2-10 reasonable and necessary to cover the costs of administering this
2-11 subchapter.

2-12 Sec. 241.406. WAIVER OF REQUIREMENTS. (a) The commission
2-13 by order may waive or modify a requirement of a particular provision
2-14 of this subchapter or a standard established under this subchapter
2-15 if the commission determines that the waiver or modification:

2-16 (1) will facilitate a hospital's creation or operation
2-17 of a hospital at home program; and

2-18 (2) is in the best interests of the individuals who are
2-19 or will be served by the hospital's hospital at home program.

2-20 (b) Sections 241.026(d) and (e) apply to a waiver or
2-21 modification under this section.

2-22 SECTION 2. This Act takes effect immediately if it receives
2-23 a vote of two-thirds of all the members elected to each house, as
2-24 provided by Section 39, Article III, Texas Constitution. If this
2-25 Act does not receive the vote necessary for immediate effect, this
2-26 Act takes effect September 1, 2023.

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