

## **BILL ANALYSIS**

C.S.H.B. 2420  
By: Chavez  
Human Services  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The Department of Human Services regulates home and community support services agencies and home health medication aides in addition to long-term care services in the State of Texas, including nursing and personal care facilities. Currently, assisted living facilities are not required to register with the Department of Human Services. CSHB 2420 requires certain assisted living facilities to be classified and registered.

### **RULEMAKING AUTHORITY**

This bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

CSHB 2420 requires the Texas Board of Human Services to establish a classification and registration for a facility as of March 1, 2004, and defined:

- as one that furnishes food and shelter to three or fewer persons who are unrelated to the proprietor of the facility; and
- a facility that provides personal care services.

CSHB 2420 provides that a person that fails to register with the Texas Department of Human Services (department) may not operate an assisted living facility. The bill sets forth the steps to register with the department by filling out an application form prescribed by the board and a registration fee of fifty dollars. The bill provides the amount of time that a registration is valid.

CSHB 2420 requires a registered facility under this section to grant reasonable access to the department and its designees to enable the department to ensure the residents of the facility have access to community services and benefit programs. The bill authorizes the department by rule to establish a protocol for inquiries and visits to a facility and reporting instances of abuse, neglect, or exploitation observed or reported during the visits. The bill authorizes the department to deny, suspend, or revoke a registration for a violation of this chapter or rule adopted by this chapter.

CSHB 2420 establishes that a person who violates this section is subject to the penalties provided in Subchapter C.

CSHB 2420 requires the Texas Board of Human Services not later than January 1, 2004, to adopt rules necessary to implement this section and provides that a facility is not required to register with the department before March 1, 2004.

### **EFFECTIVE DATE**

September 1, 2003.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

CSHB 2420 varies from the original bill by requiring a facility registered under this section to grant reasonable access to the department and its designees to ensure the residents of such facilities have access to community services and benefit programs. CSHB 2420 requires the department to establish by rule the protocol for inquiries and visits to such facilities, and for reporting instances of abuse, neglect, or exploitation observed or reported during such visits.