

BILL ANALYSIS

H.B. 3200
By: Hegar
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the Texas Department of Human Services (department) has the authority to prescribe different levels of minimum standards for assisted living facilities according to the number of residents, the type of residents, the level of personal care provided, the nutritional needs of residents, and other distinctions the board considers relevant. However, as the great majority of residents of assisted living facilities are elderly, the department's standards are geared toward the needs of a geriatric population. In some respects, these standards are inappropriate for assisted living facilities serving specialized, non-elderly populations, such as the developmentally disabled. Because assisted living facilities serving non-elderly populations are so few in number, it may not be feasible for the department to issue standards tailored for the various types of specialized populations. House Bill 3200 would permit the department to approve alternate methods of compliance with licensure standards proposed by assisted living facilities serving non-elderly populations. Similar authority is given to the Texas Department of Health in the hospital licensing law to grant waivers or modifications of hospital licensing standards in appropriate circumstances.

RULEMAKING AUTHORITY

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

ANALYSIS

House Bill 3200 amends the Health & Safety Code by adding a sentence that directs the Department of Human Services (department) to develop procedures for consideration and approval of alternate methods of compliance with the agency's standards by assisted living facilities serving non-geriatric populations, if the department has not prescribed minimum standards for such facilities.

EFFECTIVE DATE

This Act takes effect immediately if it receives a vote of two-thirds of all members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.