

BILL ANALYSIS

Senate Research Center
78R6561 YDB-F

S.B. 1498
By: Madla
Health & Human Services
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As Filed

DIGEST AND PURPOSE

Home and community support services agencies (HCCSAs) provide home health, hospice and/or personal assistance services to an individual in the individual's residence or an independent living environment. In 1999, licensing of HCCSAs was transferred from the Texas Department of Health (TDH) to the Texas Department of Human Services (DHS). As proposed, S.B. 1498 clarifies current law resulting from the transfer of licensure from TDH to DHS.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 142.001, Health and Safety Code, by amending Subdivisions (6), (13), and (22) and adding Subdivision (22-a), as follows:

- (6) Redefines "certified agency."
- (13) Redefines "home health services."
- (22) Redefines "personal assistance service."
- (22-a) Defines "personal care."

SECTION 2. Amends Section 142.002, Health and Safety Code, by adding Subsection (f), to prohibit a person who is not licensed to provide personal assistance services under this chapter from indicating or implying that the person is licensed to provide personal assistance services by the use of the words "personal assistance services" or in any other manner.

SECTION 3. Amends Section 142.003(a), Health and Safety Code, to provide that a person that provides home health, hospice, or personal assistance services only to persons enrolled in a program funded wholly or partly by the Texas Department of Mental Health and Mental Retardation (TDMHMR) and monitored by the TDMHMR or its designated local authority in accordance with standards set by the Texas Department of Mental Health and Mental Retardation need not be licensed under this chapter. Redesignates existing Subdivision (18) as (19).

SECTION 4. Amends Section 142.009(j), Health and Safety Code, to delete a reference in existing text.

SECTION 5. Amends Section 142.016(a), Health and Safety Code, to require periodic, rather than annual, review of a memorandum of understanding between the Board of Nurse Examiners and TDMHMR.

SECTION 6. Amends Sections 142.018(b) and (c), Health and Safety Code, as follows:

- (b) Adds "unlicensed" as a modifier for employee relating to cases of abuse, exploitation, or neglect. Deletes reference in existing text and makes a conforming change.

(c) Authorizes an investigation of alleged abuse, exploitation, or neglect to be conducted without an on-site survey, as appropriate.

SECTION 7. Repealer: (1) Sections 142.006(d), (e), and (f), Health and Safety Code (License Issuance; Term);

 (2) Section 142.009(i), Health and Safety Code (Surveys; Consumer Complaints) and;

 (3) Section 142.076 [142.076 not found in Health and Safety Code], Health and Safety Code.

SECTION 8. Effective date: September 1, 2003.