

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

May 16, 2003

TO: Honorable Carlos Uresti, Chair, House Committee on Human Services

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1204 by Lindsay (Relating to the inspection of, and enforcement of laws relating to, nursing homes and intermediate care facilities.), **Committee Report 2nd House, As Amended**

No significant fiscal implication to the State is anticipated.

The bill would allow, under certain conditions, county attorneys in counties with a population of greater than 3.4 million to pursue penalties against a nursing home licensed under Texas Health and Safety Code Chapter 242 and an Intermediate Care Facility for the Mentally Retarded (ICF/MR) licensed under Texas Health and Safety Code Chapter 252.

The bill allows a county attorney to pursue cases for which the Office of the Attorney General (OAG) has deferred prosecution and which are accepted by such county attorney. The bill further provides that the county attorney may collect and retain its costs and fees for pursuing these cases from the defendant under the same conditions as the OAG. The bill also provides that any penalties collected by the county attorney would be divided equally between the county and the State.

In addition, the bill would allow the use of an accreditation review from the Joint Commission on Accreditation of Health Organizations for a nursing home by the Department of Human Services for satisfaction of requirements for certification for participation in the medical assistance program and the federal Medicare program. The bill would take effect September 1, 2003.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies: 324 Department of Human Services, 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General

LBB Staff: JK, EB, KF, ML