

BILL ANALYSIS

Senate Research Center

S.B. 52
By: Nelson
Health and Human Services
7/25/2005
Enrolled

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, the quality of life competitive grant program partially pays for the development of a project designed to serve as a model of best practices for the nursing home industry. No program exists to disseminate nursing home best practices for improving resident quality of life. Innovation grants will enable facilities that have developed and implemented a quality improvement innovation to highlight and educate others on their innovations.

S.B. 52 creates a separate grant program to promulgate quality of life innovations that serve as a model of best practices. The bill requires the Department of Aging and Disability Services to competitively award these grants based on academic soundness and proven, quantifiable effectiveness, and to monitor grantee compliance with program guidelines.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Department of Human Services is modified in SECTION 3 (Section 242.405, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 142.0174, Health and Safety Code, as follows:

Sec. 142.0174. New heading: USE OF ADMINISTRATIVE PENALTY. Authorizes, rather than requires, an administrative penalty collected under this subchapter to be appropriated for the purpose of funding the grant program established under Section 161.074, Human Resources Code. Deletes existing text relating to an administrative penalty being deposited in the state treasury.

SECTION 2. Amends Subchapter C, Chapter 242, Health and Safety Code, by adding 242.0695, as follows:

Sec. 242.0695. USE OF ADMINISTRATIVE PENALTY. Authorizes money from an administrative penalty collected under this subchapter to be appropriated for the purpose of funding the grant program established under Section 161.074, Human Resources Code.

SECTION 3. Amends Subchapter C, Chapter 247, Health and Safety Code, by adding Section 247.0458, as follows:

Sec. 247.0458. USE OF ADMINISTRATIVE PENALTY. Authorizes money from an administrative penalty collected under this subchapter to be appropriated for the purpose of funding the grant program established under Section 161.074, Human Resources Code.

SECTION 4. Amends Section 252.069, Health and Safety Code, as follows:

Sec. 252.069. New heading: USE OF ADMINISTRATIVE PENALTY. Authorizes, rather than requires, an administrative penalty collected under this subchapter to be appropriated for the purpose of funding the grant program established under Section 161.074, Human Resources Code. Deletes existing text relating to an administrative penalty being deposited in the state treasury.

SECTION 5. Amends Subchapter D, Chapter 161, Human Resources Code, by adding Section 161.074, as follows:

Sec. 161.074. COMPETITIVE GRANT PROGRAM. (a) Requires the Department of Aging and Disability Services (department) to establish a competitive grant program (program) that promotes innovation in the delivery of aging and disability services and improves the quality of life for individuals receiving those services.

(b) Requires a grant awarded by the department under the program to be used for certain purposes.

(c) Requires the department to request proposals for the award of a grant under the program. Requires the department to evaluate the proposals and award a grant based on a proposal's academic soundness, quantifiable effectiveness, and potentially positive impact on the delivery of aging and disability services.

(d) Requires a grant awarded under Subsection (b)(1) to be made to an institution of higher education working in cooperation with a private entity that has committed resources to the project described in the proposal.

(e) Authorizes a grant recipient to use grant money received under this section only to pay for activities directly related to the purpose of the grant program as described by Subsection (b) and prohibits the use of grant money for fees or advertising.

(f) Requires the department to establish procedure to administer the grant program, including a procedure for the submission of a proposal and a procedure to be used by the department to evaluate a proposal.

(g) Requires the department to enter into a contract that includes performance requirements with each grant recipient. Requires the department to monitor and enforce the terms of the contract. Requires the contract to authorize the department to recoup grant money from a grant recipient for failure of the grant recipient to comply with the terms of the contract.

(h) Requires the department to post on its website a summary of each grant awarded under this section.

(i) Authorizes the legislature to appropriate money described by Sections 142.0174, 242.0695, 247.0458, and 252.069, Health and Safety Code, including unexpended and unobligated amounts collected during a previous state fiscal biennium, to fund the grant program authorized by this section.

SECTION 6. Repealer: Section 242.405 (Best Practices/Quality of Life Competitive Grant Program), Health and Safety Code.

SECTION 7. Provides that it is the intent of the legislature that the Department of Aging and Disability Services establish the grant program authorized by Section 161.074, Human Resources Code, as added by this act, only if the department determines that the administrative penalties described by Sections 142.0174, 242.0695, 247.0458, and 252.069, Health and Safety Code, are sufficient to fund the grants to be awarded.

SECTION 8. Effective date: September 1, 2005.