

BILL ANALYSIS

S.B. 744
By: Seliger
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law prohibits the following health care providers from retaliating against persons reporting abuse, neglect, or exploitation of clients or patients in their care: hospitals, nursing homes, intermediate care facilities for the mentally retarded, community mental health centers, primary and long-term care facilities, outpatient and ambulatory care facilities, health maintenance organizations, detoxification facilities, intensive care facilities, recovery centers, and halfway houses. This list does not include providers of home and community-based services.

As proposed, S.B. 744 prohibits providers of home and community-based services from retaliating against a person who, in good faith, reported possible abuse, neglect, or exploitation of an individual receiving services from that provider. It does not prevent a provider from terminating an employee for a reason other than retaliation.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

[While the statutory reference in this bill is to the Texas Department of Mental Health and Mental Retardation (TDMHMR), the following amendments affect the Department of Aging and Disability Services (DADS), as the successor agency to TDMHMR.]

SECTION 1. Amends Subchapter H, Chapter 48, Human Resources Code, by adding Section 48.358, as follows:

Sec. 48.358. RETALIATION PROHIBITED. (a) Prohibits a person who contracts with the DADS to provide home and community-based services (provider) from retaliating against a person for filing a report or providing information in good faith relating to the possible abuse, neglect, or exploitation of an individual receiving services from the provider or residing in a residence owned, operated, or controlled by the provider in which services are provided.

(b) Provides that this section does not prohibit a provider from terminating an employee for a reason other than retaliation.

SECTION 2. Effective date: upon passage or September 1, 2007.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.