

BILL ANALYSIS

S.B. 2273
By: Seliger
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Section 247.050 (Monitoring of Unlicensed Facilities; Reporting), Health and Safety Code, directs the Department of Aging and Disability Services (DADS) and the attorney general to submit a quarterly report on the attorney general's case load involving unlicensed assisted living facilities. Data provided by the attorney general does not present an adequate picture of all the cases actually referred across the state because DADS also refers these cases to local district attorney's offices. Because of this, the report data from DADS would be the best resource regarding this information. This bill amends Section 247.050 to remove the requirement that the attorney general submit a report, and changes the frequency of the report created by DADS from quarterly to annually.

S.B. 2273 amends current law relating to certain reporting duties of the attorney general and DADS.

[**Note:** While the statutory reference in this bill is to the Texas Department of Human Services (TDHS), the following amendments affect the Department of Aging and Disability Services, as the successor agency to TDHS.]

RULEMAKING AUTHORITY

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

ANALYSIS

SECTION 1. Amends Sections 242.005(a) and (c), Health and Safety Code, as follows:

(a) Requires the Texas Department of Human Services (TDHS), rather than TDHS and the attorney general each, to prepare annually a full report of the operation and administration of TDHS's responsibilities, rather than their respective responsibilities, under this chapter, including recommendations and suggestions considered advisable.

(c) Requires TDHS to submit the required report to the governor and the legislature not later than January 31 of each year, rather than TDHS and the attorney general to submit the required reports to the governor and the legislature not later than October 1 of each year.

SECTION 2. Amends Sections 247.050(a) and (c), Health and Safety Code, as follows:

(a) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner), rather than the Texas Board of Human Services, to adopt procedures to monitor the status of unlicensed assisted living facilities. Requires TDHS, as part of these procedures, to perform certain actions, including preparing an annual, rather than a quarterly, report that shows certain information.

(c) Requires TDHS, rather than TDHS and the attorney general, to file a copy of the annual report, rather than quarterly reports, required by this section with the substantive committees of each house of the legislature with jurisdiction over regulation of assisted living facilities.

SECTION 3. Amends Section 61.0815(c), Education Code, to require the president of each institution of higher education, rather than the attorney general and the president of each institution of higher education, to collect all necessary data for inclusion in the report required by this section.

SECTION 4. (1) Repealer: Section 2107.005 (Reports to Attorney General), Government Code;

(2) Repealer: Section 247.050(b) (relating to the requirement that the attorney general prepare a quarterly report that shows certain data), Health and Safety Code; and

(3) Repealer: Section 240.903 (Preparation by Attorney General of List of County Authority), Local Government Code.

SECTION 5. Effective date: upon passage or September 1, 2009.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2009.