

By: Leibowitz

H.B. No. 1394

A BILL TO BE ENTITLED

AN ACT

relating to disclosure of certain information by certain registries for home health, hospice, or personal assistance services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 142, Health and Safety Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. HOME HEALTH, HOSPICE, OR PERSONAL ASSISTANCE

SERVICES REGISTRY

Sec. 142.101. APPLICABILITY. This subchapter applies only to a registry that is not licensed under this chapter and that operates as a clearinghouse to put clients in contact with persons who provide home health, hospice, or personal assistance services without regard to whether the registry maintains official client records, directs client services, or compensates the person who is providing the service.

Sec. 142.102. REQUIRED DISCLOSURE. A registry subject to this subchapter shall disclose to each client who uses the registry to obtain information regarding caregivers who provide home health, hospice, or personal assistance services for a client or the client's family:

(1) the nature of the employment relationship between the client and the caregiver;

(2) the duties imposed on the client under federal law regarding taxation of the caregiver;

1           (3) the duties and liabilities of the client in the  
2 event of an on-the-job injury;

3           (4) other potential liabilities of the client; and

4           (5) any other information concerning employment of the  
5 caregiver required under rules adopted under Section 142.103.

6           Sec. 142.103. RULES. The executive commissioner of the  
7 Health and Human Services Commission by rule shall prescribe the  
8 form and contents of the disclosure required under this subchapter.

9           SECTION 2. (a) The executive commissioner of the Health and  
10 Human Services Commission shall adopt the rules required by Section  
11 142.103, Health and Safety Code, as added by this Act, not later  
12 than January 1, 2010.

13           (b) A registry for home health, hospice, or personal  
14 assistance services described by Section 142.101, Health and Safety  
15 Code, as added by this Act, is not required to provide the  
16 disclosure required by Subchapter C, Chapter 142, Health and Safety  
17 Code, as added by this Act, before March 1, 2010.

18           SECTION 3. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2009.