

By: King of Taylor

H.B. No. 3718

A BILL TO BE ENTITLED

AN ACT

1
2 relating to disclosure of certain information by certain registries
3 for home health, hospice, or personal assistance services; imposing
4 a civil penalty.

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

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

8 SUBCHAPTER C. HOME HEALTH, HOSPICE, OR PERSONAL ASSISTANCE

9 SERVICES REGISTRY

10 Sec. 142.101. APPLICABILITY. This subchapter applies only
11 to a registry, regardless of whether the registry is licensed under
12 this chapter, that operates as a clearinghouse to put clients in
13 contact with persons who provide home health, hospice, or personal
14 assistance services without regard to whether the registry
15 maintains official client records, directs client services, or
16 compensates the person who is providing the service.

17 Sec. 142.102. REQUIRED DISCLOSURE. (a) A registry subject
18 to this subchapter shall disclose to each client who uses the
19 registry to obtain information regarding caregivers who provide
20 home health, hospice, or personal assistance services for a client
21 or the client's family and to each caregiver using the registry to
22 find employment:

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

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

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

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

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

8 (b) Each disclosure must be signed by the client or the
9 caregiver to whom the disclosure was provided and be retained in the
10 registry's files for not less than five years.

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

14 Sec. 142.104. VIOLATION; CIVIL PENALTY. (a) A person who
15 violates this subchapter or a rule adopted under this subchapter is
16 liable to the state for a civil penalty of not more than \$500 for
17 each violation.

18 (b) At the request of the department, the attorney general
19 shall bring an action to recover the penalty.

20 SECTION 2. (a) The executive commissioner of the Health and
21 Human Services Commission shall adopt the rules required by Section
22 142.103, Health and Safety Code, as added by this Act, not later
23 than January 1, 2010.

24 (b) A registry for home health, hospice, or personal
25 assistance services described by Section 142.101, Health and Safety
26 Code, as added by this Act, is not required to provide the
27 disclosure required by Subchapter C, Chapter 142, Health and Safety

1 Code, as added by this Act, before March 1, 2010.

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