

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**March 13, 2009**

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: SB87** by Nelson (Relating to adverse licensing, listing, or registration decisions by certain health and human services agencies.), **Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Government Code as it relates to adverse licensing, listing, or registration decisions by certain health and human services (HHS) agencies.

Under the provisions of the bill, each HHS agency that regulates persons in a licensed youth camp, home and community support services agency, hospital, convalescent and nursing home, assisted living facility, special care facility, intermediate care facility, chemical dependency treatment facility, mental hospital or mental health facility, child care facility or child placing agency, and an adult day care facility, would be required to maintain a record of each license application that is denied, revoked, suspended, or terminated by the agency. The record of application would be maintained for 10 years; however, an HHS agency would not be required to maintain the record as required by the bill until January 1, 2010.

The bill would also require detailed information to be kept on each applicant and each person listed on the application and this information must be reported on a monthly basis to all other HHS agencies. HHS agencies may deny an applicant's applications based on adverse actions taken by another HHS agency.

According to HHS agencies, the provisions of the bill can be handled with existing resources.

Not later than December 1, 2009, the executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement the provisions of the bill.

The bill would take effect September 1, 2009.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 529 Health and Human Services Commission, 530 Family and Protective Services, Department of, 537 State Health Services, Department of, 538 Assistive and Rehabilitative Services, Department of, 539 Aging and Disability Services, Department of

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