

Amend **CSSB 23** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 161.073, Human Resources Code, is amended to read as follows:

Sec. 161.073. RULES. (a) The executive commissioner may adopt rules reasonably necessary for the department to administer this chapter, consistent with the memorandum of understanding under Section 531.0055(k), Government Code, between the commissioner and the executive commissioner, as adopted by rule.

(b) To the extent allowed by federal law, the executive commissioner shall adopt rules:

(1) requiring that the on-site survey process through which the department certifies ICF-MR facilities and Home and Community-based Services (HCS) providers includes a requirement that the department assign each provider, as a result of an on-site survey, a rating of "excellent," "good," or "average or below average"; and

(2) prescribing a schedule for follow-up on-site surveys under which:

(A) a provider who receives a rating of "excellent" on the most recent survey conducted is subject to another survey not earlier than three years after the date the provider receives the rating;

(B) a provider who receives a rating of "good" on the most recent survey conducted is subject to another survey not earlier than two years after the date the provider receives the rating; and

(C) a provider who receives a rating of "average or below average" on the most recent survey conducted is subject to another survey not earlier than one year after the date the provider receives the rating.

SECTION \_\_\_\_\_. Section 161.076, Human Resources Code, as added by Chapter 284 (**SB 643**), Acts of the 81st Legislature, Regular Session, 2009, is amended to read as follows:

Sec. 161.076. ON-SITE SURVEYS OF CERTAIN PROVIDERS. Subject to rules adopted under Section 161.073(b), at ~~At~~ least

every three years [~~12 months~~], the department shall conduct an unannounced on-site survey in each group home, other than a foster home, at which a Home and Community-based Services (HCS) provider provides services.