

## **BILL ANALYSIS**

C.S.H.B. 871  
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County Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Counties are not currently authorized to provide physical and occupational therapy services as optional health care services under the state indigent health care program. Observers note that many of the state's poorest residents do not live near a hospital where they can access such services and that legislation is needed to add physical and occupational therapy services to the optional health care services authorized to be provided by a county under the Indigent Health Care and Treatment Act.

C.S.H.B. 871 seeks to address this issue by making statutory changes relating to indigent health services that may be provided by a county.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTIONS 1 and 2 of this bill.

### **ANALYSIS**

Section 531.0055, Government Code, as amended by Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, expressly grants to the executive commissioner of the Health and Human Services Commission all rulemaking authority for the operation of and provision of services by the health and human services agencies. Similarly, Sections 1.16-1.29, Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, provide for the transfer of a power, duty, function, program, or activity from a health and human services agency abolished by that act to the corresponding legacy agency. To the extent practical, this bill analysis is written to reflect any transfer of rulemaking authority and to update references as necessary to an agency's authority with respect to a particular health and human services program.

C.S.H.B. 871 amends the Health and Safety Code to include physical and occupational therapy services in the optional health care services authorized to be provided by a county in accordance with Department of State Health Services rules adopted under the Indigent Health Care and Treatment Act. The bill requires the executive commissioner of the Health and Human Services Commission to adopt rules necessary to implement the bill's provisions as soon as practicable after the bill's effective date. The bill makes a nonsubstantive change.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 871 differs from the original by including physical and occupational therapy services in the optional health care services authorized to be provided by a county in accordance with

Department of State Health Services rules adopted under the Indigent Health Care and Treatment Act, whereas the original includes such services in the basic health care services required to be provided by a county under the act. The substitute omits a provision included in the original establishing that a county is not required to provide such services before January 1, 2012. The substitute differs from the original by requiring the executive commissioner of the Health and Human Services Commission to adopt rules necessary to implement the bill's provisions as soon as practicable after the bill's effective date, whereas the original requires such rules to be adopted not later than December 1, 2011. The substitute makes a nonsubstantive change not included in the original to update a reference to reflect the changes in law made by Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003.