

By: Sheffield

H.B. No. 2340

A BILL TO BE ENTITLED

AN ACT

relating to regulation of prescribed pediatric extended care centers; amending a provision subject to a criminal penalty.

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

SECTION 1. Sections 248A.051(a) and (b), Health and Safety Code, are amended to read as follows:

(a) A person may not own or operate a prescribed pediatric extended care center in this state unless the person holds an initial, renewal, or temporary [a] license issued under this chapter. An applicant for a prescribed pediatric extended care center license may not provide services under that license until the department issues the license.

(b) A separate initial, renewal, or temporary license is required for each center located on separate premises, regardless of whether the centers are under the ownership or operation of the same person.

SECTION 2. The heading to Section 248A.052, Health and Safety Code, is amended to read as follows:

Sec. 248A.052. INITIAL LICENSE APPLICATION; ISSUANCE.

SECTION 3. Section 248A.052(a), Health and Safety Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, and Section 248A.052(c), Health and Safety Code, are amended to read as follows:

(a) An applicant for an initial [a] prescribed pediatric

1 extended care center license shall submit to the department in  
2 accordance with department rules:

3 (1) a sworn application on the form prescribed by the  
4 department;

5 (2) a letter of credit as prescribed by the department  
6 to demonstrate the applicant's financial viability; and

7 (3) the required fees.

8 (c) The department shall issue an initial [~~a~~] license to a  
9 center under this chapter if the department determines that the  
10 applicant and the center meet the requirements of this chapter and  
11 the rules and standards adopted under this chapter. The license  
12 must include:

13 (1) the license holder's name;

14 (2) the location of the premises of the center; and

15 (3) a statement indicating the center provides  
16 services to minors for 12 hours or less in a 24-hour period and does  
17 not provide 24-hour care.

18 SECTION 4. Subchapter B, Chapter 248A, Health and Safety  
19 Code, is amended by adding Section 248A.0525 to read as follows:

20 Sec. 248A.0525. TEMPORARY LICENSE PROCEDURES. (a) An  
21 applicant for an initial license under Section 248A.052 may  
22 request, in the manner prescribed by the department and in  
23 accordance with this section, that the department issue a temporary  
24 license pending the department's review of the applicant's  
25 application for an initial license. An applicant is not required to  
26 request a temporary license to receive an initial or renewal  
27 license.

1       (b) A temporary license issued under this section  
2 authorizes an applicant to provide nonresidential basic services to  
3 not more than six minors until the temporary license expires or  
4 terminates in accordance with this section.

5       (c) On receipt of a temporary license request, the  
6 department shall conduct a review of the applicant's policies,  
7 procedures, and staffing plans to serve minors in the center.

8       (d) The department shall grant an applicant's request for a  
9 temporary license if the department determines the applicant is  
10 eligible for the license as provided by this subsection. The  
11 department may not grant a request for a temporary license if the  
12 department determines the applicant is ineligible for the license  
13 under this subsection. An applicant is eligible for a temporary  
14 license only if the applicant meets:

15               (1) the license application requirements of Sections  
16 248A.052(a) and (b) and the license application rules adopted under  
17 this chapter;

18               (2) the building requirements and standards for a  
19 center provided in department rules adopted under this chapter; and

20               (3) the requirements of the department's review  
21 conducted under Subsection (c).

22       (e) A temporary license issued under this section expires on  
23 the earlier of:

24               (1) the 90th day after the date the temporary license  
25 is issued or the last day of any extension period granted by the  
26 department; or

27               (2) the date an initial license is issued under

1 Section 248A.052.

2 (f) The department may not grant more than one extension of  
3 a temporary license issued under this section and may not grant an  
4 extension for a period that exceeds 90 days. The department shall  
5 grant an extension if a temporary license holder submits to the  
6 department an extension request in the manner prescribed by the  
7 department not later than the 30th day before the date the temporary  
8 license expires.

9 (g) A temporary license holder must comply with this chapter  
10 and the rules adopted under this chapter for the period for which  
11 the temporary license is issued, including an extension, if  
12 applicable. The department may take an enforcement action against  
13 a temporary license holder for failure to comply with this chapter  
14 and the rules adopted under this chapter.

15 (h) The department may conduct a complaint investigation  
16 and inspection of a temporary license holder.

17 SECTION 5. The heading to Section 248A.053, Health and  
18 Safety Code, is amended to read as follows:

19 Sec. 248A.053. INITIAL OR RENEWAL LICENSE TERM; RENEWAL;  
20 NOTIFICATION.

21 SECTION 6. Section 248A.053(a), Health and Safety Code, is  
22 amended to read as follows:

23 (a) An initial or renewal [A] license issued under this  
24 chapter expires on the second anniversary of the date of issuance.

25 SECTION 7. The heading to Section 248A.151, Health and  
26 Safety Code, is amended to read as follows:

27 Sec. 248A.151. ADMISSION CRITERIA FOR MINOR CLIENT; ADULT

1 ACCOMPANIMENT.

2 SECTION 8. Section 248A.151, Health and Safety Code, is  
3 amended by adding Subsection (c) to read as follows:

4 (c) A minor client's parent, legal guardian, or managing  
5 conservator is not required to accompany the client when:

6 (1) the client receives services in the center,  
7 including therapy services delivered in the center but billed  
8 separately; or

9 (2) the center transports or provides for the  
10 transport of the client to and from the center.

11 SECTION 9. Subchapter D, Chapter 248A, Health and Safety  
12 Code, is amended by adding Section 248A.158 to read as follows:

13 Sec. 248A.158. RELATION TO NURSING SERVICES. Nursing  
14 services provided by a center must be a one-to-one replacement of  
15 private duty nursing or other skilled nursing services unless  
16 additional nursing services are medically necessary.

17 SECTION 10. Not later than September 1, 2016, the executive  
18 commissioner of the Health and Human Services Commission shall  
19 adopt the rules necessary to implement Chapter 248A, Health and  
20 Safety Code, as amended by this Act.

21 SECTION 11. As soon as practicable after the effective date  
22 of this Act, the executive commissioner of the Health and Human  
23 Services Commission shall establish a reimbursement rate for  
24 licensed pediatric extended care centers that are enrolled in the  
25 medical assistance program that, when converted to an hourly rate,  
26 is not more than 70 percent of the average hourly unit rate for  
27 private duty nursing provided under the Texas Health Steps

1 Comprehensive Care Program.

2           SECTION 12. If before implementing any provision of this  
3 Act a state agency determines that a waiver or authorization from a  
4 federal agency is necessary for implementation of that provision,  
5 the agency affected by the provision shall request the waiver or  
6 authorization and may delay implementing that provision until the  
7 waiver or authorization is granted.

8           SECTION 13. The changes in law made by this Act related to  
9 temporary licenses apply only to a temporary license application  
10 submitted to or an inspection conducted by the Department of Aging  
11 and Disability Services on or after September 1, 2016.

12           SECTION 14. This Act takes effect September 1, 2015.