

By: Moody

H.B. No. 2648

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to progressive sanctions for providers of home and  
3 community-based services.

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

5 SECTION 1. Section 48.353, Human Resources Code, is amended  
6 by adding Subsection (a-1) to read as follows:

7 (a-1) The department shall immediately submit all reports  
8 of abuse, neglect, or exploitation received to the appropriate  
9 local law enforcement agency, regardless of whether the department  
10 determines that an investigation is unnecessary under Subsection  
11 (a).

12 SECTION 2. Subchapter H, Chapter 48, Human Resources Code,  
13 is amended by adding Section 48.3535 to read as follows:

14 Sec. 48.3535. PROGRESSIVE SANCTIONS. (a) The department  
15 shall develop and implement progressive sanctions as provided by  
16 this section for investigations of a report of abuse, neglect, or  
17 exploitation in which the department is unable to determine  
18 conclusively whether abuse, neglect, or exploitation did or did not  
19 occur.

20 (b) Following an inconclusive investigation described by  
21 Subsection (a), the department shall require the provider to create  
22 a corrective plan to identify and prevent any future abuse,  
23 neglect, or exploitation.

24 (c) If the department conducts an investigation described

1 by Subsection (a) that is inconclusive and the department conducted  
2 an investigation that was inconclusive into that same provider less  
3 than a year before the current investigation, the department shall  
4 treat the situation as a hazard to the health or safety of the  
5 individuals receiving services from the provider, and proceed with  
6 a thorough review of the facility and require any necessary  
7 corrective measures.

8 (d) If the department conducts an investigation described  
9 by Subsection (a) that is inconclusive and the department conducted  
10 two or more investigations that were inconclusive into that same  
11 provider less than a year before the current investigation, the  
12 department shall deny or terminate the certification of the  
13 provider.

14 SECTION 3. The change in law made by this Act applies only  
15 to a report of abuse, neglect, or exploitation that is received on  
16 or after the effective date of this Act.

17 SECTION 4. This Act takes effect September 1, 2015.