

By: Moody

H.B. No. 2649

A BILL TO BE ENTITLED

AN ACT

relating to requiring video recording in certain home and community-based services provider facilities.

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

SECTION 1. Subchapter H, Chapter 48, Human Resources Code, is amended by adding Section 48.3525 to read as follows:

Sec. 48.3525. RECORDING EQUIPMENT TO AID IN INVESTIGATIONS.

(a) A facility providing home and community-based services to eight or more individuals shall place video cameras in the facility that are capable of covering all areas of the facility in which staff and individuals receiving services interact, other than a bathroom or any area in which an individual's clothes are changed.

(b) The home and community-based services provider shall provide notice to the persons receiving services and other persons entering the facility that video monitoring is occurring.

(c) A home and community-based services provider shall maintain a recording for not less than a year after the recording was made.

(d) A video recording made under this section is confidential and may not be used for any purpose other than enforcement by the department.

(e) The department is entitled at any time to view any video recording made by a home and community-based services provider under this section.

1 (f) If the department receives a complaint of abuse,
2 neglect, or exploitation, the department shall review the relevant
3 video recording.

4 (g) If the home and community-based services provider does
5 not produce a video recording on request of the department when the
6 department is performing an investigation of an allegation of
7 abuse, neglect, or exploitation, the department shall treat the
8 situation as a hazard to the health or safety of the individuals
9 receiving services from the provider and proceed with a thorough
10 review of the facility and require any necessary corrective
11 measures.

12 (h) If the home and community-based services provider does
13 not produce a video recording on request of the department when the
14 department is performing an investigation of an allegation of
15 abuse, neglect, or exploitation, and the provider has failed to
16 provide a video recording in response to a request made in
17 connection to a department investigation less than a year before
18 the instant request, the department shall deny or terminate the
19 certification of the provider.

20 SECTION 2. Not later than January 1, 2016, a home and
21 community-based services provider that is subject to Section
22 48.3525, Human Resources Code, as added by this Act, shall install
23 and begin to use a video recording system as required by that
24 section.

25 SECTION 3. The change in law made by this Act applies only
26 to a report of abuse, neglect, or exploitation that is received
27 based on conduct that was alleged to have occurred on or after

1 January 1, 2016.

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