

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 22, 2015

**TO:** Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: SB1880** by Zaffirini (Relating to the authority of the Department of Family and Protective Services to investigate abuse, neglect, or exploitation of individuals receiving services from certain providers.), **Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB1880, Committee Report 1st House, Substituted: a negative impact of (\$3,316,068) through the biennium ending August 31, 2017.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	(\$1,603,723)
2017	(\$1,712,345)
2018	(\$1,712,345)
2019	(\$1,712,345)
2020	(\$1,712,345)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Probable Savings/(Cost) from Federal Funds 555	Change in Number of State Employees from FY 2015
2016	(\$1,603,723)	(\$333,585)	28.0
2017	(\$1,712,345)	(\$370,716)	28.0
2018	(\$1,712,345)	(\$370,716)	28.0
2019	(\$1,712,345)	(\$370,716)	28.0
2020	(\$1,712,345)	(\$370,716)	28.0

Fiscal Analysis

The bill would amend the Human Resources Code, Family Code, and Health and Safety Code

by removing the exemption for investigations in nursing homes, assisted living facilities, and similar facilities by DFPS, if a provider is alleged to have committed the abuse, neglect, or exploitation. DFPS would be required to investigate allegations of abuse, neglect, or exploitation of an individual receiving services from a provider who provides home and community-based services under a home and community-based services waiver program, if the person alleged or suspected to have committed the abuse, neglect, or exploitation is a provider, even if the individual does not receive services under the waiver. These investigations would be exempted from the requirements of investigations of home and community support service agencies. If another state agency has authority to license a provider and investigate reports of abuse, neglect, or exploitation of an individual by that provider, DFPS may not investigate the report. The bill includes certain requirements for the provider investigations. The bill would also require DFPS to investigate reports of abuse, neglect, or exploitation of a child receiving services from an officer, employee, agent, contractor, or subcontractor of a home and community support services agency, if the party is or may be the person alleged to have committed the abuse, neglect, or exploitation. If the child is living in a residence owned, operated, or controlled by the provider who provides home and community-based services under a home and community-based services waiver program, DFPS is required to provide protective services to the child, including emergency protective services, if necessary.

### **Methodology**

Under the provisions of the bill, DFPS' authority to investigate allegation of abuse, neglect, or exploitation would be expanded to new populations. Based on data obtained from the Department on Aging and Disability Services and the Health and Human Services Commission (HHSC), DFPS estimated a new population 516,315 and that 0.4% (or 1,962) would need to be investigated each year. Assuming that 1.0 FTE completes an average of 88 investigations per fiscal year, an additional 22.3 FTEs ( $1,962/88 = 22.3$  FTEs) would be needed for investigations. DFPS indicated that 5.0 FTEs from the Adult Protective Services (APS) In Home investigations program could move to the APS Facility investigations program, lessening the need for new caseworkers to 17.3, plus an additional 10.7 supporting FTEs. That includes 0.6 FTEs at HHSC for enterprise support. The total costs for these FTEs is estimated to be \$1,937,308 in fiscal year 2016 and \$2,083,061 in fiscal year 2017 and each year after.

### **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 529 Health and Human Services Commission, 530 Family and Protective Services, Department of, 537 State Health Services, Department of, 539 Aging and Disability Services, Department of

**LBB Staff:** UP, SJ, KVe, NB, WP, VJC