

BILL ANALYSIS

C.S.H.B. 3079
By: Noble
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that there is ambiguity in state law regarding which state agency has the authority to investigate abuse, neglect, and exploitation of home and community support services clients receiving inpatient hospice services. C.S.H.B. 3079 seeks to provide express authority for the Health and Human Services Commission to conduct those investigations.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3079 amends the Health and Safety Code to require the Health and Human Services Commission (HHSC) or its authorized representative to investigate an allegation of abuse, neglect, and exploitation of a client of any age of a home and community support services agency if the abuse, neglect, or exploitation occurs when the client is receiving inpatient hospice services and the alleged perpetrator is an employee, volunteer, contractor, or subcontractor of the home and community support services agency.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3079 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes an authorized representative of HHSC among those who may conduct the investigation.

The substitute changes the locations where the alleged abuse, neglect, or exploitation that is the subject of an investigation occurs from a residential or inpatient unit to a home and community support services agency and provides certain conditions that must be satisfied before the requirement to investigate the allegation is triggered.

The substitute does not include a requirement for the executive director of HHSC to adopt necessary rules.

The substitute provides for the immediate effect of its provisions if the bill receives the necessary vote.