

BILL ANALYSIS

H.B. 3170
By: Leach
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The home and community-based services (HCS) and Texas home living (TxHmL) Medicaid waiver programs provide individualized services and support to persons with intellectual disabilities who are living with their family, in their own home, or in a small group or host home. Concerns have been raised regarding the possibility of an employee of a provider participating in either waiver program who is found to have abused, neglected, or exploited an individual receiving services being allowed to continue working with individuals enrolled in the waiver program while the case is being determined, which can take years. H.B. 3170 seeks to provide for an interim registry for certain persons who have been accused of employee misconduct who are employed by a facility that provides care to individuals with an intellectual disability and seeks to require a provider participating in the applicable waiver programs to take necessary actions regarding an employee who is included in the interim registry, including reassignment or suspension.

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 rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTIONS 2 and 4 of this bill.

ANALYSIS

H.B. 3170 amends the Health and Safety Code to require the Health and Human Services Commission (HHSC) to establish an interim registry of applicable employees of certain state-licensed facilities that provide care to individuals with an intellectual disability against whom a determination or finding of reportable conduct is made and who have made timely requests for hearings on the determinations or findings. The bill sets out the information required to be included in the interim registry. The bill requires HHSC to remove an employee from the interim registry immediately after a final decision on the reportable conduct is made and all rights to appeal the decision have been exhausted. The bill establishes that information contained in the interim registry is confidential and not subject to disclosure under state public information law but may be disclosed to appropriate persons in accordance with HHSC rules.

H.B. 3170 requires the executive commissioner of HHSC by rule to require a provider participating in the home and community-based services (HCS) Medicaid waiver program or the Texas home living (TxHmL) Medicaid waiver program to take necessary actions regarding an employee who is included in the interim registry that are based on the seriousness of the reportable conduct. The bill authorizes such actions to include additional monitoring, reassignment, or suspension.

H.B. 3170 amends the Human Resources Code to make a conforming change.

EFFECTIVE DATE

September 1, 2019.