

BILL ANALYSIS

Senate Research Center
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H.B. 3193
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Home and community support services agencies (HCSSAs) provide home health, hospice or personal assistance services to people in a residence or independent-living environment. Approximately 6,300 HCSSAs are licensed in Texas by the Health and Human Services Commission (HHSC). HCSSA providers currently hold a two-year license and must receive a statutorily required inspection 18 months into the licensure period.

H.B. 2025, enacted by the 85th Legislature, moved all other long-term care provider types to a three-year license period. Additionally, the federal Centers for Medicare and Medicaid Services (CMS) requires that home health agencies be surveyed every three years to get certified as Medicare and Medicaid providers.

Varied licensing and renewal time frames for different providers and home health agencies create significant workload challenges and inefficiencies for HHSC staff who process applications and conduct onsite surveys and complaint investigations, including allegations of abuse and neglect, in long-term care facilities and HCSSAs.

The current problem with inefficiency and backlog will increase if nothing is done. With the end of the CMS moratorium and other resource challenges, HHSC is at risk of not meeting required time frames. Providers will therefore have to wait longer for licensure and licensure renewal.

The purpose of H.B. 3193 is to also extend the licensure for the HCSSAs from two to three years to alleviate confusion, workload backlog, and inefficiencies for HHSC.

H.B. 3193 amends current law relating to the licensing of a home and community support services agency and increases fees.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission (executive commissioner) in SECTION 3 of this bill.

Rulemaking authority previously granted to the executive commissioner is modified in SECTIONS 1 and 2 (Sections 142.006 and Section 142.010, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 142.006(b), Health and Safety Code, to provide that a license issued under this chapter (Home and Community Support Services) expires three years, rather than two years, after the date of issuance. Authorizes the executive commissioner of the Health and Human Services Commission (executive commissioner) by rule to adopt a system under which licenses expire on various dates during the three-year, rather than two-year, period.

SECTION 2. Amends Section 142.010(a), Health and Safety Code, to require the executive commissioner by rule to set license fees for home and community support services agencies in amounts that are reasonable to meet the costs of administering this chapter, except that the fees are prohibited from being less than \$600 or more than \$2,625, rather than less than \$600 or more

than \$2,000, for a license to provide home health, hospice, habilitation, or personal assistance services.

SECTION 3. Requires the executive commissioner, as soon as practicable after the effective date of this Act, to adopt rules necessary to implement the changes in law made by this Act.

SECTION 4. Effective date: September 1, 2019.