

SENATE AMENDMENTS

2nd Printing

By: Guillen, Klick

H.B. No. 3803

A BILL TO BE ENTITLED

AN ACT

relating to the maximum amount of an administrative penalty
assessed on certain long-term care facilities.

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

SECTION 1. Section 252.065(b), Health and Safety Code, is
amended to read as follows:

(b) The penalty for a facility with fewer than 60 beds shall
be not less than \$100 or more than \$1,000 for each violation. The
penalty for a facility with 60 beds or more shall be not less than
\$100 or more than \$5,000 for each violation. Each day a violation
occurs or continues is a separate violation for purposes of
imposing a penalty. The total amount of a penalty assessed under
this subsection for each day a violation occurs or continues may not
exceed:

(1) \$5,000 for a facility with fewer than 60 beds; and

(2) \$25,000 for a facility with 60 beds or more.

SECTION 2. This Act takes effect September 1, 2019.

ADOPTED

MAY 21 2019

Letty Spaul
Secretary of the Senate

By: Guillen/Zaffirini

Substitute the following for ____B. No. ____:

By: *Charles Perry*

C.S. H.B. No. 3803

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SECTION 1. Section 252.065(b), Health and Safety Code, is amended to read as follows:

(b) The penalty for a facility with fewer than 60 beds shall be not less than \$100 or more than \$1,000 for each violation. The penalty for a facility with 60 beds or more shall be not less than \$100 or more than \$5,000 for each violation. Each day a violation occurs or continues is a separate violation for purposes of imposing a penalty. The total amount of a penalty assessed under this subsection for each day a violation occurs or continues may not exceed:

(1) \$5,000 for a facility with fewer than 60 beds; and

(2) \$25,000 for a facility with 60 beds or more.

SECTION 2. The Health and Human Services Commission is required to implement a provision of this Act only if the legislature appropriates money to the commission specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the commission may, but is not required to, implement a provision of this Act using other appropriations that are available for that purpose.

SECTION 3. This Act takes effect September 1, 2019.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 22, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3803 by Guillen (Relating to the maximum amount of an administrative penalty assessed on certain long-term care facilities.), **As Passed 2nd House**

The bill could result in a loss of General Revenue Funds, but the fiscal implications of the bill cannot be determined at this time, as the number of future violations subject to the bill's provisions is unknown.

The Health and Human Services Commission is required to implement a provision of this Act only if the legislature appropriates money to the commission specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the commission may, but is not required to, implement a provision of this Act using other appropriations that are available for that purpose.

The bill would amend Chapter 252 of the Health and Safety Code regarding intermediate care for individuals with an intellectual disability. The bill would impose a cap on the total amount of an administrative penalty that may be assessed for each day a violation occurs or continues for certain long-term care facilities. The cap would be set at \$5,000 for an ICF/IID with fewer than 60 beds and \$25,000 for a facility with 60 beds or more.

Current penalties for a facility with fewer than 60 beds range from \$500 to \$1,000, and penalties for a facility with 60 beds or more range from \$500 to \$5,000 for each violation. In fiscal year 2018, 20 administrative penalties related to the bill's provisions were imposed, equal to \$186,000 in revenue.

The Comptroller of Public Accounts indicates that the fiscal impact of the bill cannot be determined, as the number of future violations subject to the bill's provisions is unknown.

The Health and Human Services Commission is required to implement a provision of this Act only if the legislature appropriates money to the commission specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the commission may, but is not required to, implement a provision of this Act using other appropriations that are available for that purpose.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 304 Comptroller of Public Accounts,
529 Health and Human Services Commission

LBB Staff: WP, SD, MNa, AKi, JQ

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 19, 2019

TO: Honorable Lois W. Kolkhorst, Chair, Senate Committee on Health & Human Services

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3803 by Guillen (Relating to the maximum amount of an administrative penalty assessed on certain long-term care facilities.), **Committee Report 2nd House, Substituted**

The bill could result in a loss of General Revenue Funds, but the fiscal implications of the bill cannot be determined at this time, as the number of future violations subject to the bill's provisions is unknown.

The Health and Human Services Commission is required to implement a provision of this Act only if the legislature appropriates money to the commission specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the commission may, but is not required to, implement a provision of this Act using other appropriations that are available for that purpose.

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Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 304 Comptroller of Public Accounts,
529 Health and Human Services Commission

LBB Staff: WP, MNa, AKi, JQ

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 13, 2019

TO: Honorable Lois W. Kolkhorst, Chair, Senate Committee on Health & Human Services

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3803 by Guillen (Relating to the maximum amount of an administrative penalty assessed on certain long-term care facilities.), **As Engrossed**

The bill could result in a loss of General Revenue Funds, but the fiscal implications of the bill cannot be determined at this time, as the number of future violations subject to the bill's provisions is unknown.

The bill would amend Chapter 252 of the Health and Safety Code regarding intermediate care for individuals with an intellectual disability. The bill would impose a cap on the total amount of an administrative penalty that may be assessed for each day a violation occurs or continues for certain long-term care facilities. The cap would be set at \$5,000 for an ICF/IID with fewer than 60 beds and \$25,000 for a facility with 60 beds or more.

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Local Government Impact

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529 Health and Human Services Commission

LBB Staff: WP, MNa, AKi, JQ

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 27, 2019

TO: Honorable James B. Frank, Chair, House Committee on Human Services

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3803 by Guillen (Relating to the maximum amount of an administrative penalty assessed on certain long-term care facilities.), **Committee Report 1st House, Substituted**

The bill could result in a loss of General Revenue Funds, but the fiscal implications of the bill cannot be determined at this time, as the number of future violations subject to the bill's provisions is unknown.

The bill would amend Chapter 252 of the Health and Safety Code regarding intermediate care for individuals with an intellectual disability. The bill would impose a cap on the total amount of an administrative penalty that may be assessed for each day a violation occurs or continues for certain long-term care facilities. The cap would be set at \$5,000 for an ICF/IID with fewer than 60 beds and \$25,000 for a facility with 60 beds or more.

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Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 304 Comptroller of Public Accounts,
529 Health and Human Services Commission

LBB Staff: WP, MNa, AKi, JQ

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 8, 2019

TO: Honorable James B. Frank, Chair, House Committee on Human Services

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3803 by Guillen (Relating to administrative penalties for certain long-term care facilities.), **As Introduced**

The bill could result in a loss of General Revenue Funds, but the fiscal implications of the bill cannot be determined at this time, as the number of future violations subject to the bill's provisions is unknown.

The bill would amend Chapter 252 of the Health and Safety Code regarding intermediate care for individuals with an intellectual disability. The bill would impose a cap on the total amount of an administrative penalty that may be assessed for a violation continuing or occurring on separate days for certain long-term care facilities. The cap would be set at \$5,000 for an ICF/IID with fewer than 60 beds and \$25,000 for a facility with 60 beds or more.

Current penalties for a facility with fewer than 60 beds range from \$500 to \$1,000, and penalties for a facility with 60 beds or more range from \$500 to \$5,000 for each violation. In fiscal year 2018, 20 administrative penalties related to the bill's provisions were imposed, equal to \$186,000 in revenue.

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LBB Staff: WP, AKi, JQ, MNa