

## **BILL ANALYSIS**

S.B. 1808  
By: Kolkhorst  
Human Services  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Health and Human Services Commission has received approval from the Centers for Medicare and Medicaid Services (CMS) to move forward with a state plan amendment to provide residents with intellectual and developmental disabilities living in nursing facilities with behavioral support, day habilitation, independent living skills training, employment assistance, and supported employment. S.B. 1808 seeks to align state law to ensure that there is no delay in the implementation of the state plan amendment and that federal funds can be used to provide these services approved by CMS in Texas.

### **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**

S.B. 1808 amends the Health and Safety Code to exempt from licensure for the provision of home and community support services a person who provides intellectual and developmental disabilities habilitative specialized services under Medicaid and is a certified HCS or TxHmL provider or a local intellectual and developmental disability authority contracted with the Health and Human Services Commission (HHSC). The bill includes such an exempt person in the definition of "facility" for purposes of the nurse aide registry maintained by HHSC and criminal history checks of employees and applicants for employment in certain facilities serving the elderly, persons with disabilities, or persons with terminal illnesses. The bill exempts such an exempt person from statutory provisions governing boarding home facilities.

S.B. 1808 amends the Human Resources Code to include such an exempt person in the definition of "agency" for purposes of the employee misconduct registry maintained by HHSC with respect to investigations and protective services for elderly persons and persons with disabilities.

### **EFFECTIVE DATE**

September 1, 2021.