

BILL ANALYSIS

Senate Research Center
87R12215 EAS-D

S.B. 2013
By: Hinojosa
Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 2013 requires the Health and Human Services Commission to post on its website the current administrative penalty schedules for substance use disorder service providers. This is to provide transparency for these facilities, so they are aware what penalties are going to be levied against them should they violate the rules and statutes governing their operation.

As proposed, S.B. 2013 amends current law relating to a study on administrative penalties assessed against a substance use disorder service provider and to requiring the Health and Human Services Commission to provide administrative penalty schedules on the commission's Internet website.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. (a) Defines, in this Act, "commission" and "substance use disorder service provider."

(b) Requires the Health and Human Services Commission (HHSC) to conduct a study to evaluate certain administrative penalties assessed by HHSC against substance use disorder service providers.

(c) Requires HHSC, in conducting the study, to evaluate:

(1) the effect of administrative penalties assessed against substance use disorder service providers on or before the repeal of 25 T.A.C. Sections 442.101, 442.102, 442.103, and 442.104 on March 1, 2020;

(2) the impact on substance use disorder service providers since March 1, 2020, of administrative penalties assessed against providers under the provisions listed in Subdivision (1) of this subsection;

(3) the economic impact on substance use disorder service providers of the change in the administrative penalty schedule since March 1, 2020;

(4) the effect of the changes described by Subdivisions (1), (2), and (3) of this subsection on the ability of a substance use disorder service provider to provide services in this state; and

(5) whether the administrative penalty schedule relating to substance use disorder service providers adopted after March 1, 2020, is appropriate.

(d) Requires HHSC, not later than January 1, 2022, to prepare and submit to the legislature a written report containing the results of the study and any recommendations for legislative or other action.

(e) Provides that this section expires September 1, 2023.

SECTION 2. Amends Section 464.019, Health and Safety Code, by adding Subsection (s), as follows:

(s) Requires HHSC to post on HHSC's Internet website current administrative penalty schedules applicable to a person licensed or regulated under Chapter 464 (Facilities Treating Persons With a Chemical Dependency). Requires HHSC to ensure that the administrative penalties listed in the posted schedules are accurate.

SECTION 3. Effective date: September 1, 2021.