

Amend HB 1009 (senate committee report) as follows:

(1) In the recital to SECTION 2 of the bill (page 1, line 40), strike "Section 531.02485" and substitute "Sections 531.02485 and 531.02486".

(2) In SECTION 2 of the bill, immediately following added Section 531.02485(f), Government Code (page 2, between lines 24 and 25), insert the following:

Sec. 531.02486. SUSPENDING EMPLOYMENT OF CERTAIN RESIDENTIAL CAREGIVERS. (a) In this section:

(1) "Consumer-directed service option" has the meaning assigned by Section 531.051.

(2) "Reportable conduct" includes:

(A) abuse or neglect that causes or may cause death or harm to an individual using the consumer-directed service option or a resident;

(B) sexual abuse of an individual using the consumer-directed service option or a resident;

(C) financial exploitation of an individual using the consumer-directed service option or a resident in an amount of \$25 or more; and

(D) emotional, verbal, or psychological abuse that causes harm to an individual using the consumer-directed service option or a resident.

(3) "Resident" means an individual residing in a group home or other residential facility who is receiving services from a residential caregiver.

(4) "Residential caregiver" has the meaning assigned by Section 531.02485.

(b) A Medicaid provider, including a provider providing services under a Section 1915(c) waiver program, who employs or contracts with a residential caregiver to provide community-based residential care services through a group home or other residential facility described by Subsection (a)(4), on receiving notice of the reportable conduct finding, shall immediately suspend the employment or contract of an individual the provider employs or contracts with as a residential caregiver who the commission finds has engaged in reportable conduct while the individual exhausts any

applicable appeals process, including informal and formal appeals, pending a final decision by an administrative law judge. The provider may not reinstate the individual's employment or contract during the course of any appeals process.

(c) Notwithstanding any other law, the commission shall take disciplinary action against a Medicaid provider that violates Subsection (b), including imposing an administrative penalty or vendor hold, terminating a contract or license, or any other disciplinary action the commission determines appropriate. In determining the appropriate disciplinary action to take against a Medicaid provider under this subsection, the commission shall consider:

- (1) the nature and seriousness of the violation;
- (2) the history of previous violations; and
- (3) any other matter justice may require.

(d) The executive commissioner shall adopt rules necessary to implement this section.

(3) Add the following appropriately numbered SECTIONS to the bill and renumber SECTIONS of the bill accordingly:

SECTION _____. The heading to Chapter 253, Health and Safety Code, is amended to read as follows:

CHAPTER 253. EMPLOYEE MISCONDUCT; REGISTRY

SECTION _____. Section 253.001(4), Health and Safety Code, is amended to read as follows:

- (4) "Facility" means:
 - (A) a facility:
 - (i) licensed by the department; ~~[or]~~
 - (ii) licensed under Chapter 252; or
 - (iii) licensed under Chapter 555;
 - (B) an adult foster care provider that contracts with the department;
 - (C) a home and community support services agency licensed by the department under Chapter 142; or
 - (D) a prescribed pediatric extended care center licensed under Chapter 248A.

SECTION _____. Chapter 253, Health and Safety Code, is amended by adding Section 253.0025 to read as follows:

Sec. 253.0025. EMPLOYMENT SUSPENSION FOR FACILITY EMPLOYEES ACCUSED OF COMMITTING REPORTABLE CONDUCT. A facility shall suspend the employment of a facility employee who the Health and Human Services Commission finds has engaged in reportable conduct while the employee exhausts any applicable appeals process, including informal and formal appeals and any hearing or judicial review conducted in accordance with Section 253.004 or 253.005, pending a final decision by an administrative law judge. The facility may not reinstate the employee's position during the course of any applicable appeals process.