

## **BILL ANALYSIS**

Senate Research Center  
88R21830 BDP-F

H.B. 3329  
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Health & Human Services  
5/18/2023  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Local hospitals and their staff have expressed concern for certain patients who are hospitalized and appear to have been abused or neglected. Hospital staff have noted that it has become nearly impossible to get child protective services (CPS) or adult protective services (APS) to open an investigation into the suspected abuse or neglect that either led the patient to the hospital or awaits them upon discharge because the patients are not considered to be in "imminent danger." The Department of Family and Protective Services (DFPS) indicated to a local hospital's leadership that current law prohibits DFPS from initiating an investigation unless a child or vulnerable adult was in imminent danger. When asked to clarify this term, DFPS stated that the term would not apply to a hospital patient since the patient is not in the abusive or neglectful situation at the present moment. This places hospital staff in a difficult position to discharge a patient to a potentially abusive or neglectful situation before the appropriate agency can take action and investigate the staff's claims. H.B. 3329 seeks to clarify current law to allow DFPS to begin investigating a report of abuse or neglect of a child or vulnerable adult even if the victim is temporarily hospitalized.

H.B. 3329 amends current law relating to the investigation or determination of abuse or neglect of a child, elderly person, or person with a disability and the provision of certain services.

### **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. Amends Subchapter A, Chapter 262, Family Code, by adding Section 262.016, as follows:

Sec. 262.016. TEMPORARY HOSPITALIZATION OF CHILD. Provides that for purposes of determining whether there is an immediate danger to the physical health or safety of a child, the child's temporary hospitalization does not mitigate the danger to the child who is otherwise in danger of abuse or neglect.

SECTION 2. Amends Section 48.151, Human Resources Code, by adding Subsection (f), as follows:

(f) Prohibits the Department of Family and Protective Services from refusing to conduct or delay an investigation or refusing to provide or delay the provision of protective services authorized by Chapter 48 (Investigations and Protective Services for Elderly Persons and Persons With Disabilities) based solely on the fact that the elderly person or person with a disability is temporarily hospitalized.

SECTION 3. Effective date: September 1, 2023.