

BILL ANALYSIS

C.S.H.B. 3329
By: Thimesch
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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 potential abusive or neglectful situation before the appropriate agency can take action and investigate the staff's claims. C.S.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.

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

C.S.H.B. 3329 amends the Family Code to establish that the temporary hospitalization of a child does not mitigate the danger to the child who is otherwise in danger of abuse or neglect for purposes of determining whether there is an immediate danger to the child's physical health or safety.

C.S.H.B. 3329 amends the Human Resources Code to prohibit the Department of Family and Protective Services (DFPS) from refusing to conduct or delaying an investigation of abuse, neglect, or exploitation of an elderly person or person with a disability, or refusing to provide or delaying the provision of protective services to such a person, based solely on the fact that the person is temporarily hospitalized.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3329 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

While both the introduced and the substitute prohibit DFPS from refusing to conduct an investigation of abuse, neglect, or exploitation of an elderly person or person with a disability or to provide protective services to such a person based on the fact that the elderly person or person with a disability is temporarily hospitalized, the substitute extends that prohibition to delaying such an investigation or the provision of such services. Whereas the introduced established that the prohibited conduct may not be based on the fact that the elderly person or person with a disability is temporarily hospitalized, the substitute further specifies that the prohibited conduct may not be based solely on that hospitalization.