

BILL ANALYSIS

C.S.H.B. 4655
By: Thimesch
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Financial abuse of elderly and disabled Texans is a burgeoning problem as the demographic of senior citizens in the state grows. According to the comptroller of public accounts, there are over 3.5 million Texas residents who are 65 years of age or older. As the baby boomer generation ages, that number is growing. Constituents in House District 65 have shared accounts of elderly family members being scammed out of thousands of dollars, and there is currently very little that can be done in such situations. Unfortunately, this is not unique to Denton County and happens all over the state.

It is easy to be impassioned to take action to protect senior citizens after hearing the horror stories of con artists and scammers who have brazenly stolen money, property, and other valuables from this population. However, before rushing to create legislation or regulation that might have unintended consequences, it is prudent to gather and incorporate feedback and expertise from the multiple sectors that already have decades of insight on supporting the financial and overall well-being of senior citizens. C.S.H.B. 4655 creates a task force that brings together subject matter experts and representatives from several industries and impact areas to study abuse of vulnerable adults in Texas and make a report of its findings and recommendations to the legislature.

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. 4655 establishes the 10-member vulnerable adult protection task force to study abuse of vulnerable adults in Texas. The bill defines "vulnerable adult" as an elderly person 65 years of age or older or a person who has a mental, physical, or intellectual or developmental disability that substantially impairs the person's ability to provide adequately for self care or protection and who either is 18 years of age or older or is under 18 years of age and has had the disabilities of minority removed. The task force is composed of the following individuals:

- the commissioner of the Department of Family and Protective Services or the commissioner's designee;
- the banking commissioner of the Texas Department of Banking or the banking commissioner's designee;
- a district attorney selected by the Texas District and County Attorneys Association;

- the following members appointed by the governor from a list of names submitted by the speaker of the house of representatives:
 - a representative from the banking or credit union industry;
 - a representative from an unaffiliated nonprofit organization that advocates for elderly persons statewide; and
 - a representative from the health care industry;
- two members of the house of representatives selected by the speaker; and
- two members of the senate selected by the lieutenant governor.

A task force member is not entitled to compensation for service on the task force or reimbursement for expenses incurred in performing task force duties.

C.S.H.B. 4655 requires the task force to do the following with respect to vulnerable adults in Texas:

- assess the status of these adults;
- examine existing services and resources addressing the needs of these adults and any barriers impeding those services and resources;
- determine the economic and human impact of financial exploitation of these adults;
- review possible solutions that could reduce the incidents of financial exploitation of these adults; and
- develop recommendations to address abuse of these adults, including possible legislation and other state policies or responses.

The bill requires a state agency to cooperate with and assist the task force in carrying out its duties.

C.S.H.B. 4655 requires the task force, not later than December 31, 2024, to prepare a written report that summarizes its findings and recommends solutions for improving the well-being of vulnerable adults in Texas and to submit the report to the governor, lieutenant governor, speaker, chair of the House Human Services Committee, and chair of the Senate Health and Human Services Committee. The task force is abolished and the bill's provisions expire on June 1, 2025.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 4655 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.

The introduced and the substitute differ with respect to the composition of the task force in the following ways:

- the substitute omits the following members that were included in the introduced:
 - the commissioner of the Health and Human Services Commission, the executive commissioner of the Department of State Health Services, and the commissioner of insurance, or their designees; and
 - a representative from the Department of Public Safety;
- the substitute includes the following members that the introduced did not:
 - the commissioner of the Department of Family and Protective Services or the commissioner's designee;
 - two members of the house of representatives selected by the speaker; and
 - two members of the senate selected by the lieutenant governor;
- whereas the introduced required the task force to include both a representative from the banking industry and a representative from the credit union industry, the substitute

requires the task force to include one representative from either the banking or credit union industry; and

- the substitute includes a specification, which did not appear in the introduced, that the representative from the banking or credit union industry, the representative from an unaffiliated nonprofit organization that advocates for elderly persons statewide, and the representative from the health care industry are appointed by the governor from a list of names submitted by the speaker.

The substitute changes the deadline for the task force's report from January 1, 2025, as in the introduced, to December 31, 2024. The substitute requires the report to be submitted to the governor, lieutenant governor, speaker, chair of the House Human Services Committee, and chair of the Senate Health and Human Services Committee, whereas the introduced required submission only to the speaker.