

## **BILL ANALYSIS**

Senate Research Center  
88R1736 JG-D

S.B. 576  
By: Menéndez  
Health & Human Services  
3/6/2023  
As Filed

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

Under a current rule from the Health and Human Services Commission (HHSC), it is extremely difficult to prove exploitation of elderly persons and persons with disabilities in certain instances because the caregiver simply needs to proclaim that the money the client had given them was a loan. This is most difficult in the events of cognitive decline because all the caregiver has to say at the time is that before the client lost capacity to consent, they allowed the loan. There is no way to prove or disprove in these instances and the agencies see these situations often and have to invalidate cases.

S.B. 576 requires that HHSC must add into the definition of exploitation instances where a person takes money from an elderly individual and claims that it was a loan. This will help address situations where family members attempt to exploit these individuals, protecting these vulnerable communities.

As proposed, S.B. 576 amends current law relating to the definition of exploitation for purposes of investigating reports of exploitation by certain providers against certain elderly individuals and individuals with disabilities receiving services from those providers.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission is modified in SECTION 1 (Section 48.251, Human Resources Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 48.251(b), Human Resources Code, as follows:

(b) Prohibits the definition of "exploitation" the executive commissioner of the Health and Human Services Commission adopts under this subsection from excluding from the definition the act of providing a monetary or property loan to a provider by an individual receiving services from that provider.

SECTION 2. Effective date: September 1, 2023.