88R2980 EAS-D

By:  Turner H.B. No. 1008

A BILL TO BE ENTITLED

AN ACT

relating to employment and license suspension of persons who provide care to individuals with an intellectual or developmental disability and who are under investigation for certain misconduct.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.02485 to read as follows:

Sec. 531.02485.  EMPLOYMENT AND LICENSE SUSPENSION OF CERTAIN RESIDENTIAL CAREGIVERS. (a) In this section, "residential caregiver" means an individual who provides, through a group home or other residential facility licensed by or operated under the authority of the commission, including a group home or facility licensed or operated under a Section 1915(c) waiver program, community-based residential care services:

(1)  to not more than four individuals with an intellectual or developmental disability at any time; and

(2)  at a residence other than the home of an individual described by Subdivision (1).

(b)  A group home or other residential facility described by Subsection (a) shall suspend the employment of a residential caregiver who is the subject of an investigation conducted by the commission or a law enforcement agency for misconduct involving abuse, neglect, or exploitation of an individual with an intellectual or developmental disability receiving services from the caregiver. The caregiver's employment may not be reinstated during the course of the investigation and any appeals process.

(c)  During the course of the investigation and any appeals process, the commission shall suspend the license or other form of operational authorization issued to a group home or other residential facility described by Subsection (a) that is owned or operated by a residential caregiver who is the subject of the investigation or who fails to suspend an employee of the home or facility who is the subject of the investigation.

(d)  A residential caregiver who is the subject of the investigation may not provide direct care to an individual with an intellectual or developmental disability during the course of the investigation and any appeals process.

(e)  The commission shall disenroll from participation in Medicaid a residential caregiver who is the subject of the investigation during the course of the investigation and any appeals process.

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

SECTION 2.  The heading to Chapter 253, Health and Safety Code, is amended to read as follows:

CHAPTER 253. EMPLOYEE MISCONDUCT; REGISTRY

SECTION 3.  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 4.  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) A facility shall suspend the employment of a facility employee who is the subject of an investigation under Section 253.002. The employee's position may not be reinstated during the course of the investigation and any hearing or judicial review conducted in accordance with Section 253.004 or 253.005.

(b)  An employee who is the subject of an investigation may not provide direct care to a consumer during the investigation and any hearing or judicial review conducted in accordance with Section 253.004 or 253.005.

SECTION 5.  This Act takes effect September 1, 2023.