

By: Turner

H.B. No. 1008

A BILL TO BE ENTITLED

AN ACT

1
2 relating to employment and license suspension of persons who
3 provide care to individuals with an intellectual or developmental
4 disability and who are under investigation for certain misconduct.

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

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

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

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

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

19 (b) A group home or other residential facility described by
20 Subsection (a) shall suspend the employment of a residential
21 caregiver who is the subject of an investigation conducted by the
22 commission or a law enforcement agency for misconduct involving
23 abuse, neglect, or exploitation of an individual with an
24 intellectual or developmental disability receiving services from

1 the caregiver. The caregiver's employment may not be reinstated
2 during the course of the investigation and any appeals process.

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

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

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

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

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

22 CHAPTER 253. EMPLOYEE MISCONDUCT; REGISTRY

23 SECTION 3. Section 253.001(4), Health and Safety Code, is
24 amended to read as follows:

25 (4) "Facility" means:

26 (A) a facility:

27 (i) licensed by the department; [~~or~~]

1 (ii) licensed under Chapter 252; or

2 (iii) licensed under Chapter 555;

3 (B) an adult foster care provider that contracts
4 with the department;

5 (C) a home and community support services agency
6 licensed by the department under Chapter 142; or

7 (D) a prescribed pediatric extended care center
8 licensed under Chapter 248A.

9 SECTION 4. Chapter 253, Health and Safety Code, is amended
10 by adding Section 253.0025 to read as follows:

11 Sec. 253.0025. EMPLOYMENT SUSPENSION FOR FACILITY
12 EMPLOYEES ACCUSED OF COMMITTING REPORTABLE CONDUCT. (a) A
13 facility shall suspend the employment of a facility employee who is
14 the subject of an investigation under Section 253.002. The
15 employee's position may not be reinstated during the course of the
16 investigation and any hearing or judicial review conducted in
17 accordance with Section 253.004 or 253.005.

18 (b) An employee who is the subject of an investigation may
19 not provide direct care to a consumer during the investigation and
20 any hearing or judicial review conducted in accordance with Section
21 253.004 or 253.005.

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