

BILL ANALYSIS

S.B. 933
By: Schwertner
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties have raised concerns regarding the handling of violations committed by home and community support services agencies, the penalties for such violations, and the licensing of such agencies. S.B. 933 seeks to address these concerns by increasing the maximum administrative penalty for certain violations and providing for the assessment of an administrative penalty for certain violations without an opportunity to correct the violation.

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

S.B. 933 amends the Health and Safety Code to update certain agency references to reflect the consolidation and transformation of the health and human services system in provisions relating to home and community support services. The bill changes the date on which a home and community support services agency license expires from two years after the date of issuance to three years after the date of issuance. The bill replaces the authorization for the executive commissioner of the Health and Human Services Commission (HHSC) to adopt by rule a system under which such a license expires on various dates during the two-year period with a requirement for the executive commissioner to adopt by rule a system under which such a license expires on staggered dates during each three-year period. The bill removes provisions relating to prorated license fees and the payment of license fees and instead requires HHSC to prorate the license fee as appropriate if the expiration date of a license changes as a result of these provisions. The bill raises from \$2,000 to \$3,000 the cap on the fee for a license to provide home health, hospice, habilitation, or personal assistance services.

S.B. 933 raises from \$1,000 to \$5,000 the cap on the administrative penalty that may be assessed for each violation of provisions relating to home and community support services that results in actual harm or that constitutes an immediate threat to the health or safety of a client. The bill revises the nature of violations under those provisions for which HHSC may assess an administrative penalty without providing a reasonable period for a home and community support services agency to correct the violation. The bill requires HHSC to develop and use a system to record and track the scope and severity of each violation of provisions related to home and community support services or a rule adopted under those provisions for the purpose of assessing an administrative penalty for the violation or taking some other enforcement action against the appropriate home and community support services agency to deter future violations. The bill

requires the system to be comparable to the system used by the Centers for Medicare and Medicaid Services to categorize the scope and severity of violations for nursing homes and provides that the system may be modified, as appropriate, to reflect changes in industry practice or changes made to the system used by the Centers for Medicare and Medicaid Services. The bill requires the executive commissioner to develop and adopt rules necessary to implement the bill's provisions.

EFFECTIVE DATE

September 1, 2017.