

BILL ANALYSIS

C.S.H.B. 2867
By: Raymond
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, the Health and Human Services Commission (HHSC) allows the new owner of an assisted living facility to temporarily operate under the previous owner's license. To external entities, the discrepancy between the new owner's information and the previous owner's license may look suspicious. C.S.H.B. 2867 seeks to increase confidence in the validity of these facilities following a change in ownership by requiring HHSC to issue the new owner a temporary license in the new owner's name while the owner works through the process of obtaining their own permanent license.

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 rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 of this bill.

ANALYSIS

C.S.H.B. 2867 amends the Health and Safety Code to require the Health and Human Services Commission (HHSC) automatically to issue a temporary license for a state-licensed assisted living facility that has a change of ownership. The bill authorizes HHSC to issue the temporary license without conducting an inspection of the facility if HHSC determines an inspection is not necessary. The bill requires the executive commissioner of HHSC to adopt rules to implement these provisions as soon as practicable after the bill's effective date but not later than January 1, 2022.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2867 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the original required HHSC to issue the temporary license following only a change in corporate ownership, the substitute removes this descriptor to provide for the issuance of a temporary license following any type of ownership change for an assisted living facility.

The substitute includes an authorization not in the original for HHSC to issue the temporary license without conducting an inspection of the facility if HHSC determines an inspection is not necessary.

The substitute revises the requirement in the original for the executive commissioner to adopt rules not later than January 1, 2022, to specify that the rules should be adopted as soon as practicable after the bill's effective date but not later than that deadline.