

BILL ANALYSIS

Senate Research Center
77R2938 JAT-D

H.B. 481
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Health & Human Services
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Engrossed

DIGEST AND PURPOSE

Current law authorizes the commissioner of human services to require a person to use any portion of an administrative penalty to ameliorate a violation by redirecting the fine to improve direct care services in the institution affected by the violation. H.B. 481 authorizes certain persons charged with a violation to submit to the department a plan to use any portion of the penalty to ameliorate the violation or to improve direct care services.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Human Services in SECTION 1 (Section 242.0675, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 242C, Health and Safety Code, by adding Section 242.0675, as follows:

Sec. 242.0675. AMELIORATION OF VIOLATION. (a) Provides that after receipt of notice of a violation under Section 242.067(c), a person charged with a violation other than a violation subject to correction under Section 242.0665 may submit to the department a plan to use any portion of the penalty to ameliorate the violation or to improve services, other than administrative services, in the facility affected by the violation. Requires the person charged with the violation, if the Texas Department of Human Services (department) approves the amelioration plan, to agree to waive the right to an administrative hearing on the charged violation under Section 242.068.

(b) Requires the department to adopt rules to implement this section.

SECTION 2. Repealer: Section 242.071 (Amelioration of Violation) Health and Safety Code.

SECTION 3. Effective date: September 1, 2001. Makes application of this Act prospective.