

BILL ANALYSIS

Senate Research Center
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S.B. 139
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Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, health and human services agencies keep a list of certain types of licensed health and human service providers that have been subject to adverse licensing decisions. These providers have either had their license suspended or revoked, or their license renewal denied, for actions that resulted in harming, threatening, or exploiting the persons within their care. The list also includes providers that have been found unqualified or unfit to fulfill the obligations of their license, listing, or registration. The types of providers listed on the adverse licensing decision list includes youth camps, hospitals, child care facilities, assisted living facilities, and mental health facilities. An individual on this list may have their subsequent applications for licensure as a different type of health or human service provider denied by a state licensing agency. Interested parties observe that this practice precludes bad actors from re-entering the market.

Interested parties observe that while the state's adverse licensing listing process has worked to keep bad actors out of certain types of health and human service businesses, loopholes exist that allow these providers to operate elsewhere. S.B. 139 closes these loopholes by expanding the types of health and human service providers eligible for inclusion on the adverse licensing decision list. These providers include ambulatory surgical centers, birthing centers, abortion facilities, end stage renal disease facilities, freestanding emergency medical care facilities, and narcotic drug treatment programs. The changes build on an existing framework designed to ensure that bad actors do not receive licenses to operate other types of health and human services facilities.

As proposed, S.B. 139 amends current law relating to the applicability of adverse licensing, listing, or registration decisions by certain health and human services agencies.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 531.951(a), Government Code, as follows:

(a) Provides that this subchapter applies only to the final licensing, listing, or registration decisions of a health and human services agency with respect to a person under the law authorizing the agency to regulate the following types of persons:

(1) to (4) Makes no changes to these subdivisions;

(5) an ambulatory surgical center licensed under Chapter 243 (Ambulatory Surgical Centers), Health and Safety Code;

(6) a birthing center licensed under Chapter 244 (Birthing Centers), Health and Safety Code;

(7) an abortion facility licensed under Chapter 245 (Abortion Facilities), Health and Safety Code;

(8) redesignates existing Subdivision (5) as Subdivision (8). Makes no further changes to this subdivision;

(9) redesignates existing Subdivision (6) as Subdivision (9). Makes no further changes to this subdivision;

(10) an end stage renal disease facility licensed under Chapter 251 (End Stage Renal Disease Facilities), Health and Safety Code;

(11) redesignates existing Subdivision (7) as Subdivision (11). Makes no further changes to this subdivision;

(12) a freestanding emergency medical care facility licensed under Chapter 254 (Freestanding Emergency Medical Care Facilities), Health and Safety Code;

(13) redesignates existing Subdivision (8) as Subdivision (13). Makes no further changes to this subdivision;

(14) a narcotic drug treatment program authorized under Chapter 466 (Regulation of Narcotic Drug Treatment Programs), Health and Safety Code; and

(15) to (17) redesignates existing Subdivisions (9), (10), and (11) as Subdivisions (15), (16), and (17). Makes no further changes to these subdivisions.

SECTION 2. Effective date: September 1, 2017.