

BILL ANALYSIS

S.B. 1641
By: West
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Adult protective services (APS) currently investigates allegations of abuse, neglect, or financial exploitation of an elderly or disabled individual and, if an investigation verifies that abuse, neglect, or exploitation occurred, provides protective services to the individual. Interested parties assert that a new risk assessment tool being implemented by APS predicts the likelihood of future harm and can determine if a client is at a low, moderate, or high risk of future harm. However, because APS services may be provided only to an individual for whom a finding of abuse, neglect, or exploitation has been made, an individual who has a moderate or high risk level according to the tool but for whom such finding has not been made is not eligible to receive APS services. The parties contend that a pilot program under which services are provided based on a risk level regardless of a finding of abuse, neglect, or exploitation is appropriate. S.B. 1641 provides for such a pilot program.

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. 1641 amends the Human Resources Code to require the Department of Family and Protective Services (DFPS), using existing resources, to develop and implement a pilot program that evaluates the feasibility and associated benefits of providing protective services when an elderly person or person with a disability has been determined to be at risk of future harm from abuse, neglect, or exploitation, using the risk assessment criteria developed by the executive commissioner of the Health and Human Services Commission, but who is not in a state of abuse, neglect, or exploitation. The bill specifies that statutory provisions regarding management review by an adult protective services supervisor following certain investigations of certain recidivist cases do not apply to reports considered under the pilot program. The bill authorizes DFPS to terminate the pilot program if the executive commissioner determines the termination is appropriate and establishes that the pilot program terminates August 31, 2017, unless the program is terminated before that date. The bill's provisions establishing the pilot program expire September 1, 2019.

S.B. 1641 requires DFPS to develop and implement the pilot program not later than January 1, 2016. The bill requires DFPS to prepare and issue a report of preliminary findings from the program to the governor, lieutenant governor, and the standing legislative committees with primary jurisdiction over health and human services not later than December 15, 2016. The bill

requires DFPS, not later than December 15, 2017, to submit a final report on the pilot program to such persons and entities that contains an evaluation of the feasibility and benefits of the pilot program, any additional findings DFPS determines appropriate, and recommendations for the continuation, elimination, or expansion of the program.

EFFECTIVE DATE

September 1, 2015.