

BILL ANALYSIS

Senate Research Center
76R14843 SMJ-D

C.S.H.B. 1396
By: Maxey (Zaffirini)
Human Services
5/5/1999
Committee Report (Substituted)

DIGEST

Currently, the Texas Department of Human Services (TDHS) is required to re-engineer its regulation of nursing facilities and now TDHS has included intermediate care facilities for the mentally retarded in that process. C.S.H.B. 1396 requires TDHS to evaluate its approach to licensing intermediate care facilities for the mentally retarded which considers the distinctions from a nursing home facility.

PURPOSE

As proposed, C.S.H.B. 1396 creates a responsibility for the Texas Department of Human Services to evaluate its approach to licensing intermediate care facilities.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Requires the Texas Department of Human Services (TDHS) to evaluate its approach to licensing intermediate care facilities. Requires TDHS to consult with certain entities, in the process of conducting its evaluation. Requires the evaluation to consider appropriate distinctions between nursing facilities and intermediate care facilities.

SECTION 2. Requires TDHS to present a report on the evaluation to certain authorities by October 1, 2000. Requires the report to include any recommendations for changes in law which TDHS considers necessary.

SECTION 3. Provides for the expiration of this Act January 17, 2001.

SECTION 4. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

Relating clause.

Amends the relating clause to provide that this Act requires evaluation, rather than development, of licensing procedures.

SECTION 1.

Requires the evaluation of TDHS's approach to licensing, rather than the development of a model. Adds entities with which TDHS is required to consult, including the Texas Department of Mental Health and Mental Retardation, advocates for facility residents, and facility residents. Adds text regarding the evaluation.

SECTION 2.

Replaces a reference to a model for licensing with an evaluation of licensing. Amends the required date of report submission from January 16, 2001, to October 1, 2000. Adds text regarding TDHS recommendations, and deletes text regarding report requirements.

