

BILL ANALYSIS

Senate Research Center
81R2525 UM-D

S.B. 40
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Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The House Select Committee regarding Services for Persons Eligible for Intermediate Care Facility Services evaluated the state's infrastructure for serving persons with intellectual disabilities, and made recommendations for new strategies to improve the quality and availability of care in multiple settings including home and community-based (HCS) group homes and foster homes.

Currently, there are 34 full-time equivalent (FTE) employees in the Survey and Certification Program who visit a random sample of residences of all employees contract as a part of each initial and annual HCS certification review. This means that an HCS provider that serves persons in multiple settings does not have all of its locations visited during the survey process and that all persons who are served in the HCS program do not have their residence visited by a Department of Aging and Disability Services (DADS) worker.

As proposed, S.B. 40 requires DADS to visit 100 percent of HCS group homes and foster homes annually.

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 Subchapter D, Chapter 161, Human Resources Code, by adding Section 161.076, as follows:

Sec. 161.076. ON-SITE SURVEYS OF CERTAIN PROVIDERS. Requires the Department of Aging and Disability Services (DADS) to conduct an on-site survey at least every 12 months in each group or foster home at which a home and community-based services provider provides services. Requires DADS to conduct the survey in a manner consistent with surveys conducted by DADS under Section 142.009 (Surveys; Consumer Complaints), Health and Safety Code.

SECTION 2. Requires a state agency, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency, and authorizes delay of implementation until such waivers or authorizations are granted.

SECTION 3. Effective date: September 1, 2009.