

## **BILL ANALYSIS**

Senate Research Center

S.B. 1641  
By: West  
Health & Human Services  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, the Adult Protective Services (APS) In-Home program only provides services in investigations in which abuse, neglect, or exploitation (ANE) is validated. Effective September 2014, APS implemented a new casework practice model based on structured decision-making tools developed by the National Council on Crime and Delinquency. These tools represent best practice in APS casework and include use of a validated and actuarial Risk of Recidivism assessment (RORA) as contemplated by Section 48.004, Human Resources Code. The RORA tool allows APS to predict likelihood of future harm and is used to determine whether a client qualifies for intensive case services.

Under current law, in addition to a medium or high-risk level on the assessment tool, a client must have a validated allegation of ANE to receive services. If a client has a medium or high risk level but does not have a valid finding of ANE, then APS cannot provide services. As a best practice model, the structured decision-making process assumes the need for protective services based on client risk of recidivism and not on case validation.

S.B. 1641 permits APS to test a pilot project giving the agency the ability to provide services as directed through the use of the assessment tool.

As proposed, S.B. 1641 amends current law relating to developing and maintaining risk assessment criteria for use in determining whether an elderly or disabled person is in imminent risk of abuse.

### **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 E, Chapter 48, Human Resources Code, by adding Section 48.2055, as follows:

Sec. 48.2055. PILOT PROGRAM. (a) Requires the Department of Protective and Regulatory Services (DPRS), out of funds appropriated, to implement a pilot program to evaluate the feasibility and any associated benefits of providing protective services when an elderly or disabled person has been determined to be at risk of future harm from abuse, neglect, or exploitation using the risk assessment criteria described in Section 48.004(a) (relating to risk assessment criteria to determine imminent risk of abuse, neglect, or exploitation of an elderly or disabled person).

(b) Provides that, notwithstanding Section 48.002(a)(5) (defining “protective services”), the provision of protective services in an area in which a pilot program described by Subsection (a) has been implemented does not require that an elderly or disabled person be in a state of abuse, neglect, or exploitation.

(c) Provides that, notwithstanding Section 48.1523 (Management Review Following Certain Investigations), DPRS is not required to conduct a management review of recidivistic cases in an area in which a pilot program described by Subsection (a) has been implemented.

SECTION 2. Requires DPRS to implement the pilot program described in Section 48.2055, Human Resources Code, not later than January 1, 2016. Authorizes the pilot program to be conducted up until August 31, 2017, but is authorized to terminate earlier if, in the discretion of the adult protective services program, it is appropriate for the program to be terminated. Requires the Department of Family and Protective Services to submit a report of preliminary findings from the program to the governor, lieutenant governor, and appropriate legislative committees having oversight over the Adult Protective Services division not later than December 15, 2016, and on any additional findings not later than December 15, 2017.

SECTION 3. Provides that Section 48.2055, Human Resources Code, expires August 31, 2017.

SECTION 4. Effective date: upon passage or September 1, 2015.