

BILL ANALYSIS

C.S.H.B. 3803
By: Guillen
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the amount of penalties that can accrue for smaller intermediate care facilities for individuals with an intellectual disability. Although the legislature recently revised the administrative penalty structure to provide for more uniform penalties across service types, it has been noted that disparities remain and that these smaller facilities could be penalized out of business. C.S.H.B. 3803 seeks to cap the total amount of a certain administrative penalty assessed for each day a violation occurs or continues for a facility with fewer than 60 beds and a facility with 60 beds or more.

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

C.S.H.B. 3803 amends the Health and Safety Code to cap the total amount of a certain administrative penalty for intermediate care facilities for individuals with an intellectual disability assessed for each day a violation occurs or continues at \$5,000 for a facility with fewer than 60 beds and at \$25,000 for a facility with 60 beds or more.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3803 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute clarifies the period to which the cap applies as each day a violation occurs or continues.