

BILL ANALYSIS

C.S.S.B. 809
By: Kolkhorst
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

During the COVID-19 pandemic, the federal government provided billions of dollars in additional funds to assist health care providers. Ordinarily, these federal funds might flow through or be identified during the traditional state budget process. However, due to the emergency nature in which these funds were distributed, the state does not currently have an adequate picture of the amount of federal funding that has been provided to Texas health care institutions since the onset of the pandemic. C.S.S.B. 809 seeks to address this issue by requiring health care providers to report federal money received for the COVID-19 public health emergency.

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.S.B. 809 amends the Health and Safety Code to require a health care institution that receives federal money for assisting health care institutions during the coronavirus disease public health emergency to report the money received to the Health and Human Services Commission (HHSC) on a monthly basis. The bill requires a health care institution's initial report to include all federal money received by the institution during the period beginning January 31, 2020, and ending August 31, 2021. The bill requires HHSC, each quarter, to compile the reported information into a written report provided to the following entities:

- the governor, lieutenant governor, and speaker of the house of representatives;
- the Legislative Budget Board; and
- the standing committees of the legislature with primary jurisdiction over state finance and public health.

C.S.S.B. 809 requires HHSC to establish procedures for health care institutions to report the information and requires HHSC, in establishing the procedures, to do the following to the extent practicable:

- minimize duplication of reporting by institutions to HHSC; and
- avoid requiring institutions to report information that is duplicative of information that institutions are required to report to the federal government.

C.S.S.B. 809 establishes that a health care institution is not required to report federal money received as a loan during the coronavirus disease public health emergency from the U.S. Small

Business Administration as part of a paycheck protection program. The bill exempts an institution from the reporting requirement if the institution returned or repaid the money to the federal government.

C.S.S.B. 809 authorizes the appropriate licensing authority to take disciplinary action against a health care institution that violates the bill's provisions as if the institution violated an applicable licensing law. The bill's provisions expire September 1, 2023.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 809 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

Both the engrossed and the substitute require a health care institution that receives the federal money to report the money to HHSC on a monthly basis. The substitute includes an exemption from this reporting requirement for a health care institution that has returned or repaid to the federal government any such money received, whereas the engrossed does not include this exemption.