

## **BILL ANALYSIS**

Senate Research Center  
76R4404 DLF-D

C.S.S.B. 18  
By: Zaffirini  
Human Services  
2/10/1999  
Committee Report (Substituted)

### **DIGEST**

Currently, a person who threatens the health and safety of a nursing home resident is liable for a civil penalty from \$1,000 to \$20,000. The Long-Term Care Legislative Oversight Committee recommends that the attorney general represent the state in an effort to recover such a penalty. This bill authorizes the attorney general, by request of the Texas Department of Human Services, to institute an action to collect a civil penalty in cases regarding nursing home facilities.

### **PURPOSE**

As proposed, C.S.S.B. 18 authorizes the attorney general, by request of the Texas Department of Human Services (department), to institute an action to collect a civil penalty from certain nursing facilities. Additionally, C.S.S.B. 18 authorizes the attorney general to represent the department in the arbitration of certain disputes.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 242.065, Health and Safety Code, by relettering Subsections (f), (g), and (h) as Subsections (g), (h), and (i), and adding Subsection (f), as follows:

(f) Authorizes the attorney general, by request of the Texas Department of Human Services (department), to institute an action in a district court to collect a civil penalty under this section.

SECTION 2. Amends Section 242.253, Health and Safety Code, by adding Subsection (e), as follows:

(e) Authorizes the attorney general, by request of the department, to represent the department in the arbitration of a dispute listed in Chapter 242J, Section 242.251, Health and Safety Code.

SECTION 3. Emergency clause.  
Effective date: upon passage.

### **SUMMARY OF COMMITTEE CHANGES**

Relating Clause.

Amends the relating clause to introduce this bill as discussing the representation of the state by the attorney general in cases involving nursing facilities, rather than the attorney general's authority to recover a civil penalty from nursing homes.

SECTION 1.

Amends Section 242.065, to delete changes to Subsection (a), and to add Subsection (f), to authorize the attorney general to institute, rather than bring an action in a district court to collect, rather than recover, a civil penalty under this section. Makes conforming changes.

## SECTION 2.

Amends Section 242.253, by adding Subsection (e), which authorizes the attorney general to represent the department in the arbitration of certain disputes.