

## **BILL ANALYSIS**

Senate Research Center  
81R9628 ALB-F

S.B. 1172  
By: Nichols  
Health & Human Services  
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As Filed

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

The Department of Aging and Disability Services (DADS) is required by state statute to conduct compliance surveys for home and community support services every 18 months. Because the Centers for Medicare and Medicaid Services does not require 18-month surveys and does not fund 18-month surveys, DADS does not conduct these surveys.

As proposed, S.B. 1172 amends Section 142.009(j), to modify requirements relating to inspections and surveys of home and community support services agencies.

[**Note:** While the statutory reference in this bill is to the Texas Department of Health (TDH), the following amendments affect the Department of Aging and Disability Services, as the successor agency to TDH.]

### **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 Section 142.009(j), Health and Safety Code, to require the Texas Department of Health (TDH), except as provided by Subsections (h) (regarding the exemption for a home and community support services agency licensed by TDH to not be subjected to additional surveys relating to services offered while the agency maintains accreditation with the Joint Commission for Accreditation of Healthcare Organizations, the Community Health Accreditation Program, or other accreditation organizations) and (l) (regarding the requirement that a memorandum of understanding be established between agencies and home and community support services agencies to eliminate or reduce duplication of compliance surveys), to conduct an initial on-site survey not later than the first anniversary of the date TDH issues an initial license, rather than be conducted within 18 months after a survey for an initial license. Requires TDH, after the initial survey, to conduct an on-site survey at least every 36 months. Makes nonsubstantive changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.