

BILL ANALYSIS

Senate Research Center

S.B. 1999
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Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, Chapter 103 of the Human Resources Code establishes the Adult Day Care Act, which sets out licensing requirements for a structured, comprehensive program that serves adults with medical or functional impairments by providing health, social, and related support services in a protective setting. However, the term “adult day care” is archaic and does not honor the dignity and autonomy of the elderly and disabled adults that are served by this program.

Rather than using the antiquated term “adult day care,” the agency, providers and managed care companies regularly refer to the program as “Day Activity and Health Services” (DAHS), the terminology used in the Texas Administrative Code rules that govern the licensing and program requirements for the program under Human Resources Code 103.003 (40 Tex. Admin. Code § 98). Elderly and disabled adults who benefit from this program are less inclined to attend an “adult day care” than an activity facility. It is extremely important for the elderly or adults with disabilities or impairments to keep a sense of independence and telling them that they are to attend a “day care” does not achieve this.

S.B. 1999 changes the name from the Adult Day Care Act to the Day Activity and Health Services Act in the Human Resources Code, and makes conforming changes. There is no other change in the definitions, purpose, licensing or program requirements for these providers.

As proposed, S.B. 1999 amends current law relating to adult day care.

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 531.951(a), Government Code, to replace adult day-care facility or adult day health care facility with a day activity and health services facility and makes no further change.

SECTION 2. Amends Section 164.003(5), Health and Safety Code, to redefine “mental health facility.”

SECTION 3. Reenacts Section 250.001(3), Health and Safety Code, as amended by Chapters 605 (S.B. 944) and 1168 (S.B. 492), Acts of the 83rd Legislature, Regular Session, 2013, and amends it to redefine “facility.”

SECTION 4. Amends the heading to Chapter 103, Human Resources Code, to read as follows:

CHAPTER 103. DAY ACTIVITY AND HEALTH SERVICES

SECTION 5. Amends Sections 103.001 and 103.002, Human Resources Code, as follows:

Sec. 103.001. PURPOSE. Redesignates adult day care and day health care as day activity and health services and makes a conforming change.

Sec. 103.002. SHORT TITLE. Authorizes this chapter to be cited as the Day Activity and Health Services Act, rather than the Adult Day Care Act.

SECTION 6. Amends Sections 103.003(1) and (2), Human Resources Code, to define “day activity and health services facility,” rather than “adult day-care facility,” and “day activity and health services program,” rather than “adult day-care program.”

SECTION 7. Amends Section 103.0041(a), Human Resources Code, to redesignate an adult day-care facility as a day activity and health services facility and makes no further change.

SECTION 8. Amends Section 103.006(a), Human Resources Code, to redesignate an adult day-care facility as a day activity and health services facility and makes no further change.

SECTION 9. Amends Section 103.007(a), Human Resources Code, to redesignate an adult day-care facility as a day activity and health services facility and makes no further change.

SECTION 10. Amends Section 103.0075(a), Human Resources Code, to redesignate an adult day-care facility as a day activity and health services facility and makes no further change.

SECTION 11. Amends Section 103.0091(a), Human Resources Code, to redesignate adult day-care residents as day activity and health services facility residents and makes no further change.

SECTION 12. Amends Section 103.0092(a), Human Resources Code, to redesignate an adult day-care facility as a day activity and health services facility and makes no further change.

SECTION 13. Amends Section 103.011, Human Resources Code, as follows:

Sec. 103.011. RIGHTS OF THE ELDERLY. (a) Redesignates an adult day-care facility as a day activity and health services facility.

(b) Makes a conforming change.

SECTION 14. Amends Section 103.012(a), Human Resources Code, to redesignate an adult day-care facility as a day activity and health services facility. Makes a conforming change.

SECTION 15. Amends Sections 103.013(a) and (c), Human Resources Code, as follows:

(a) Redesignates an adult day-care facility as a day activity and health services facility.

(c) Makes a conforming change.

SECTION 16. Amends Sections 103.014(c) and (e), Human Resources Code, as follows:

(c) Redesignates an adult day-care facility as a day activity and health services facility.

(e) Makes a conforming change.

SECTION 17. Effective date: upon passage or September 1, 2015.