

BILL ANALYSIS

Senate Research Center
87R6860 JG-D

S.B. 2037
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Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently under a rule from the Health and Human Services Commission (HHSC), it is extremely difficult to prove exploitation in certain instances because the caregiver simply needs to proclaim that the money the client had given them was a loan. This is most difficult in the events of cognitive decline because all the caregiver has to say at the time is that before the client lost capacity to consent, they allowed the loan. There is no way to prove or disprove in these instances and the agencies see these situations often and have to invalidate cases.

S.B. 2037 will ensure that HHSC will add into the definition of exploitation instances where a person takes money from an elderly individual and claims that it was a loan. This will help address situations where family members try to do this type of action and will protect our most vulnerable communities.

As proposed, S.B. 2037 amends current law relating to the definition of exploitation for purposes of investigating reports of exploitation against certain elderly persons and persons with disabilities.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission is modified in SECTION 1 (Section 48.251, Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 48.251(b), Human Resources Code, to prohibit the definition of "exploitation" adopted by the executive commissioner of the Health and Human Services Commission under Subsection (b) (relating to requiring the executive commissioner by rule to adopt certain definitions) from excluding from the definition as an act of exploitation the provision of a monetary or property loan made to a provider by an individual receiving services from that provider.

SECTION 2. Effective date: September 1, 2021.