

BILL ANALYSIS

Senate Research Center
84R22014 KKR-D

C.S.S.B. 1999
By: Menéndez
Health & Human Services
4/16/2015
Committee Report (Substituted)

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.

Committee Substitute Changes:

- Health & Safety Code 164.003(5) needs to remove strike of "or adult day health care" since S.B. 219 already removed the language
- Health & Safety Code 103.001 needs to read "persons with disabilities who have medical or functional impairments and elderly persons;" "supervision for elderly persons and persons with disabilities"
- Health & Safety Code 103.003(1) needs to read "elderly persons or persons with disabilities"
- Human Resources Code 103.0075(a) needs to read "The executive commissioner" instead of "department"

C.S.S.B. 1999 amends current law relating to day activity and health services facilities.

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 redesignate an adult day-care facility as a day activity and health services facility and makes no further change.

SECTION 2. Amends Section 81.042(e), Health and Safety Code, to redesignate an adult day-care center as a day activity and health services facility and makes no further change.

SECTION 3. Amends Section 164.003(5), Health and Safety Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, to redefine “mental health facility.”

SECTION 4. Amends Section 250.001(3), Health and Safety Code, as reenacted and amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, to redefine “facility.”

SECTION 5. Amends the heading to Chapter 103, Human Resources Code, to read as follows:

CHAPTER 103. DAY ACTIVITY AND HEALTH SERVICES

SECTION 6. Amends Section 103.001, Human Resources Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, and Section 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 7. Amends Sections 103.003(1), Human Resources Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, and Section 103.003(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 8. 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 9. 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 10. 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 11. 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 12. 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 13. 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 14. 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 15. 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 16. 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 17. 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 and makes no further change.

(e) Makes a conforming change.

SECTION 18. Amends Section 161.151(2), Human Resources Code, to redesignate adult day-care services as a day activity and health services and makes no further change.

SECTION 19. Effective date: upon passage or September 1, 2015.