

1-1 By: Sheffield (Senate Sponsor - Lucio) H.B. No. 2340  
 1-2 (In the Senate - Received from the House May 7, 2015;  
 1-3 May 7, 2015, read first time and referred to Committee on Health  
 1-4 and Human Services; May 20, 2015, reported favorably by the  
 1-5 following vote: Yeas 7, Nays 0; May 20, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16			X	

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to regulation of prescribed pediatric extended care  
 1-20 centers; amending a provision subject to a criminal penalty.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Sections 248A.051(a) and (b), Health and Safety  
 1-23 Code, are amended to read as follows:

1-24 (a) A person may not own or operate a prescribed pediatric  
 1-25 extended care center in this state unless the person holds an  
 1-26 initial, renewal, or temporary [a] license issued under this  
 1-27 chapter. An applicant for a prescribed pediatric extended care  
 1-28 center license may not provide services under that license until  
 1-29 the department issues the license.

1-30 (b) A separate initial, renewal, or temporary license is  
 1-31 required for each center located on separate premises, regardless  
 1-32 of whether the centers are under the ownership or operation of the  
 1-33 same person.

1-34 SECTION 2. The heading to Section 248A.052, Health and  
 1-35 Safety Code, is amended to read as follows:

1-36 Sec. 248A.052. INITIAL LICENSE APPLICATION; ISSUANCE.

1-37 SECTION 3. Section 248A.052(a), Health and Safety Code, as  
 1-38 amended by S.B. 219, Acts of the 84th Legislature, Regular Session,  
 1-39 2015, and Section 248A.052(c), Health and Safety Code, are amended  
 1-40 to read as follows:

1-41 (a) An applicant for an initial [a] prescribed pediatric  
 1-42 extended care center license shall submit to the department in  
 1-43 accordance with department rules:

1-44 (1) a sworn application on the form prescribed by the  
 1-45 department;

1-46 (2) a letter of credit as prescribed by the department  
 1-47 to demonstrate the applicant's financial viability; and

1-48 (3) the required fees.

1-49 (c) The department shall issue an initial [a] license to a  
 1-50 center under this chapter if the department determines that the  
 1-51 applicant and the center meet the requirements of this chapter and  
 1-52 the rules and standards adopted under this chapter. The license  
 1-53 must include:

1-54 (1) the license holder's name;

1-55 (2) the location of the premises of the center; and

1-56 (3) a statement indicating the center provides  
 1-57 services to minors for 12 hours or less in a 24-hour period and does  
 1-58 not provide 24-hour care.

1-59 SECTION 4. Subchapter B, Chapter 248A, Health and Safety  
 1-60 Code, is amended by adding Section 248A.0525 to read as follows:

1-61 Sec. 248A.0525. TEMPORARY LICENSE PROCEDURES. (a) An

2-1 applicant for an initial license under Section 248A.052 may  
 2-2 request, in the manner prescribed by the department and in  
 2-3 accordance with this section, that the department issue a temporary  
 2-4 license pending the department's review of the applicant's  
 2-5 application for an initial license. An applicant is not required to  
 2-6 request a temporary license to receive an initial or renewal  
 2-7 license.

2-8 (b) A temporary license issued under this section  
 2-9 authorizes an applicant to provide nonresidential basic services to  
 2-10 not more than six minors until the temporary license expires or  
 2-11 terminates in accordance with this section.

2-12 (c) On receipt of a temporary license request, the  
 2-13 department shall conduct a review of the applicant's policies,  
 2-14 procedures, and staffing plans to serve minors in the center.

2-15 (d) The department shall grant an applicant's request for a  
 2-16 temporary license if the department determines the applicant is  
 2-17 eligible for the license as provided by this subsection. The  
 2-18 department may not grant a request for a temporary license if the  
 2-19 department determines the applicant is ineligible for the license  
 2-20 under this subsection. An applicant is eligible for a temporary  
 2-21 license only if the applicant meets:

2-22 (1) the license application requirements of Sections  
 2-23 248A.052(a) and (b) and the license application rules adopted under  
 2-24 this chapter;

2-25 (2) the building requirements and standards for a  
 2-26 center provided in department rules adopted under this chapter; and

2-27 (3) the requirements of the department's review  
 2-28 conducted under Subsection (c).

2-29 (e) A temporary license issued under this section expires on  
 2-30 the earlier of:

2-31 (1) the 90th day after the date the temporary license  
 2-32 is issued or the last day of any extension period granted by the  
 2-33 department; or

2-34 (2) the date an initial license is issued under  
 2-35 Section 248A.052.

2-36 (f) The department may not grant more than one extension of  
 2-37 a temporary license issued under this section and may not grant an  
 2-38 extension for a period that exceeds 90 days. The department shall  
 2-39 grant an extension if a temporary license holder submits to the  
 2-40 department an extension request in the manner prescribed by the  
 2-41 department not later than the 30th day before the date the temporary  
 2-42 license expires.

2-43 (g) A temporary license holder must comply with this chapter  
 2-44 and the rules adopted under this chapter for the period for which  
 2-45 the temporary license is issued, including an extension, if  
 2-46 applicable. The department may take an enforcement action against  
 2-47 a temporary license holder for failure to comply with this chapter  
 2-48 and the rules adopted under this chapter.

2-49 (h) The department may conduct a complaint investigation  
 2-50 and inspection of a temporary license holder.

2-51 SECTION 5. The heading to Section 248A.053, Health and  
 2-52 Safety Code, is amended to read as follows:

2-53 Sec. 248A.053. INITIAL OR RENEWAL LICENSE TERM; RENEWAL;  
 2-54 NOTIFICATION.

2-55 SECTION 6. Section 248A.053(a), Health and Safety Code, is  
 2-56 amended to read as follows:

2-57 (a) An initial or renewal [A] license issued under this  
 2-58 chapter expires on the second anniversary of the date of issuance.

2-59 SECTION 7. The heading to Section 248A.151, Health and  
 2-60 Safety Code, is amended to read as follows:

2-61 Sec. 248A.151. ADMISSION CRITERIA FOR MINOR CLIENT; ADULT  
 2-62 ACCOMPANIMENT.

2-63 SECTION 8. Section 248A.151, Health and Safety Code, is  
 2-64 amended by adding Subsection (c) to read as follows:

2-65 (c) A minor client's parent, legal guardian, or managing  
 2-66 conservator is not required to accompany the client when:

2-67 (1) the client receives services in the center,  
 2-68 including therapy services delivered in the center but billed  
 2-69 separately; or

3-1 (2) the center transports or provides for the  
3-2 transport of the client to and from the center.

3-3 SECTION 9. Subchapter D, Chapter 248A, Health and Safety  
3-4 Code, is amended by adding Section 248A.158 to read as follows:

3-5 Sec. 248A.158. RELATION TO NURSING SERVICES. Nursing  
3-6 services provided by a center must be a one-to-one replacement of  
3-7 private duty nursing or other skilled nursing services unless  
3-8 additional nursing services are medically necessary.

3-9 SECTION 10. Not later than September 1, 2016, the executive  
3-10 commissioner of the Health and Human Services Commission shall  
3-11 adopt the rules necessary to implement Chapter 248A, Health and  
3-12 Safety Code, as amended by this Act.

3-13 SECTION 11. As soon as practicable after the effective date  
3-14 of this Act, the executive commissioner of the Health and Human  
3-15 Services Commission shall establish a reimbursement rate for  
3-16 licensed pediatric extended care centers that are enrolled in the  
3-17 medical assistance program that, when converted to an hourly rate,  
3-18 is not more than 70 percent of the average hourly unit rate for  
3-19 private duty nursing provided under the Texas Health Steps  
3-20 Comprehensive Care Program.

3-21 SECTION 12. If before implementing any provision of this  
3-22 Act a state agency determines that a waiver or authorization from a  
3-23 federal agency is necessary for implementation of that provision,  
3-24 the agency affected by the provision shall request the waiver or  
3-25 authorization and may delay implementing that provision until the  
3-26 waiver or authorization is granted.

3-27 SECTION 13. The changes in law made by this Act related to  
3-28 temporary licenses apply only to a temporary license application  
3-29 submitted to or an inspection conducted by the Department of Aging  
3-30 and Disability Services on or after September 1, 2016.

3-31 SECTION 14. This Act takes effect September 1, 2015.

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