

# Abuse and Neglect Investigations in Inpatient Hospice Facilities

*Relating to the authority to conduct investigations of abuse, neglect and exploitation in inpatient hospice facilities*



**TEXAS**  
Health and Human  
Services

Sen. Judith Zaffirini • Senate Bill 1789 | Rep. Candy Noble • House Bill 3079

## Problem

- An inpatient hospice facility cares for hospice patients whose pain or symptoms can't be managed successfully in their home, providing extra assistance or more advanced medical attention.
- Current law is silent on which agency has the authority to investigate allegations of abuse, neglect and exploitation against adults in inpatient hospice facilities who are receiving non-Medicaid services when the perpetrator is an employee, volunteer or contractor of the facility.
- The Texas Health and Human Services Commission conducts these investigations through an informal agreement with the Department of Family and Protective Services.
- HHSC has the authority to conduct the investigations for adults in these facilities who are enrolled in Medicaid.

## Solution

- Amend current law to establish clear statutory authority for HHSC to conduct investigations into allegations of abuse, neglect and exploitation of adults in inpatient hospice facilities who are receiving non-Medicaid services when the perpetrator is an employee, volunteer or contractor of the facility.

## Q&A

### **How many inpatient hospice facilities are there in Texas?**

As of January 2019, 28 inpatient hospice facilities in Texas serving more than 3,000 patients are licensed by HHSC.

### **Will this statutory change result in a fiscal impact to the agency?**

Because HHSC already conducts these investigations, this initiative will have no fiscal impact.

### **Did DFPS previously have the authority to conduct these investigations?**

No. DFPS didn't have this authority.

## What happens if we don't change the statute?

A lack of clear statutory authority could cause legal challenges to the agency's findings in these investigations, potentially compromising its ability to protect vulnerable citizens from perpetrators of abuse, neglect and exploitation.

## Questions, comments or concerns?

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