

By: Campos

H.B. No. 1463

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a state plan and requirements for nursing facilities
3 and related institutions that provide care and treatment for
4 persons with Alzheimer's disease and related disorders.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. The heading to Section 242.040, Health and
7 Safety Code, is amended to read as follows:

8 Sec. 242.040. CERTIFICATION OF INSTITUTIONS THAT PROVIDE
9 CARE AND TREATMENT FOR PERSONS WITH ALZHEIMER'S DISEASE AND RELATED
10 DISORDERS.

11 SECTION 2. Section 242.040, Health and Safety Code, is
12 amended by amending Subsections (a), (b), (c), (e), and (f) and
13 adding Subsections (b-1), (b-2), and (b-3) to read as follows:

14 (a) The commission [~~department~~] shall establish a system
15 for certifying institutions that meet standards adopted by the
16 executive commissioner concerning the specialized care and
17 treatment of persons with Alzheimer's disease and related
18 disorders. The commission may periodically modify the system and
19 standards as the executive commissioner determines appropriate.

20 (b) An institution may [~~is~~] not [~~required to be certified~~
21 ~~under this section in order to~~] provide care and treatment for [~~of~~]
22 persons with Alzheimer's disease and related disorders unless the
23 institution holds a certification issued under this section.

24 (b-1) Notwithstanding Subsection (b) and subject to

1 Subsection (b-2), an institution is not required to hold a
2 certification issued under this section to provide care and
3 treatment for persons with Alzheimer's disease and related
4 disorders before January 1, 2033.

5 (b-2) An institution that is initially licensed under this
6 chapter on or after January 1, 2025, must hold a certification
7 issued under this section to provide care and treatment for persons
8 with Alzheimer's disease and related disorders.

9 (b-3) Subsections (b-1) and (b-2) and this subsection
10 expire September 1, 2035.

11 (c) The executive commissioner by rule shall [~~may~~] adopt
12 standards for the specialized care and treatment of persons with
13 Alzheimer's disease and related disorders and provide procedures
14 for institutions applying for certification under this section.
15 The rules must provide for a three-year certification period.

16 (e) An institution may not advertise or otherwise
17 communicate that the institution is certified by the commission
18 [~~department~~] to provide specialized care or treatment for persons
19 with Alzheimer's disease or related disorders unless the
20 institution is certified under this section.

21 (f) The executive commissioner by rule shall adopt a system
22 under which an appropriate number of certifications issued by the
23 commission [~~department~~] expire on staggered dates occurring in each
24 three-year period. If the expiration date of a certification
25 changes as a result of this subsection, the commission [~~department~~]
26 shall prorate the certification fee relating to that certification
27 as appropriate. To the extent possible, the system must align the

1 expiration date for an institution's certification under this
2 section with the expiration date for the institution's license
3 under this chapter.

4 SECTION 3. Subchapter B, Chapter 242, Health and Safety
5 Code, is amended by adding Section 242.0406 to read as follows:

6 Sec. 242.0406. STATE PLAN FOR CERTIFICATION OF INSTITUTIONS
7 THAT PROVIDE CARE AND TREATMENT FOR PERSONS WITH ALZHEIMER'S
8 DISEASE AND RELATED DISORDERS. (a) The commission shall develop a
9 state plan to certify under Section 242.040 each institution
10 licensed under this chapter that provides care and treatment for
11 persons with Alzheimer's disease and related disorders by January
12 1, 2033. The executive commissioner must approve the state plan and
13 shall adopt rules for implementing the approved state plan.

14 (b) In developing the state plan, the commission shall:

15 (1) conduct a study on certifying under Section
16 242.040 each institution licensed under this chapter that provides
17 care and treatment for persons with Alzheimer's disease and related
18 disorders by January 1, 2033; and

19 (2) determine and consider in implementing the state
20 plan the:

21 (A) costs and challenges;

22 (B) legal and technical issues; and

23 (C) scheduling factors and time considerations.

24 (c) The state plan must require that:

25 (1) at least 10 percent of the total number of
26 institutions licensed under this chapter that provide care and
27 treatment for persons with Alzheimer's disease and related

1 disorders be certified under Section 242.040 by January 1, 2025;

2 (2) at least 25 percent of the total number of
3 institutions licensed under this chapter that provide care and
4 treatment for persons with Alzheimer's disease and related
5 disorders be certified under Section 242.040 by January 1, 2027;

6 (3) at least 50 percent of the total number of
7 institutions licensed under this chapter that provide care and
8 treatment for persons with Alzheimer's disease and related
9 disorders be certified under Section 242.040 by January 1, 2029;

10 (4) at least 75 percent of the total number of
11 institutions licensed under this chapter that provide care and
12 treatment for persons with Alzheimer's disease and related
13 disorders be certified under Section 242.040 by January 1, 2031;

14 and

15 (5) each institution licensed under this chapter that
16 provides care and treatment for persons with Alzheimer's disease
17 and related disorders be certified under Section 242.040 by January
18 1, 2033.

19 (d) The state plan may provide for reimbursement to
20 institutions licensed under this chapter that provide care and
21 treatment for persons with Alzheimer's disease and related
22 disorders and that become certified under Section 242.040 in
23 amounts based on the following schedule:

24 (1) for an institution certified by January 1, 2025,
25 the state plan may reimburse the institution for 100 percent of the
26 certification costs;

27 (2) for an institution certified by January 1, 2027,

1 the state plan may reimburse the institution in an amount not to
2 exceed 75 percent of the certification costs;

3 (3) for an institution certified by January 1, 2029,
4 the state plan may reimburse the institution in an amount not to
5 exceed 50 percent of the certification costs; and

6 (4) for an institution certified by January 1, 2031,
7 the state plan may reimburse the institution in an amount not to
8 exceed 25 percent of the certification costs.

9 (e) The commission may use existing resources and solicit
10 and accept gifts, grants, and donations from any source to
11 implement the state plan.

12 (f) This section expires September 1, 2035.

13 SECTION 4. Not later than September 1, 2024, the Health and
14 Human Services Commission shall develop, and the executive
15 commissioner of the commission shall approve and adopt, rules for
16 implementing the state plan required by Section 242.0406, Health
17 and Safety Code, as added by this Act.

18 SECTION 5. As soon as practicable after the effective date
19 of this Act, the executive commissioner of the Health and Human
20 Services Commission shall adopt the rules necessary to implement
21 the changes in law made by this Act.

22 SECTION 6. This Act takes effect September 1, 2023.