

By: Campos

H.B. No. 1593

A BILL TO BE ENTITLED

AN ACT

1
2 relating to infection prevention and control programs and other
3 measures for communicable diseases at certain long-term care
4 facilities; authorizing an administrative penalty.

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

6 SECTION 1. Section 81.014, Health and Safety Code, is
7 amended to read as follows:

8 Sec. 81.014. LONG-TERM CARE FACILITY INFECTION PREVENTION
9 AND CONTROL PROGRAMS [~~PROGRAM~~]. (a) Each long-term care facility
10 shall, with advice from and subject to the approval of a quality
11 assessment and assurance committee designated under Subsection
12 (c), establish and maintain an [facility's] infection prevention
13 and control program designed to:

14 (1) provide to facility residents and personnel a
15 safe, sanitary, and comfortable environment; and

16 (2) help prevent the development and transmission of
17 communicable diseases and infections among facility residents and
18 personnel.

19 (b) A long-term care facility's infection prevention and
20 control program must include:

21 (1) monitoring of key infectious agents, including
22 multidrug-resistant organisms; [~~and~~]

23 (2) procedures for making rapid influenza diagnostic
24 tests available to facility residents and personnel; and

1 (3) procedures for ensuring that rapid antigen
2 COVID-19 viral tests are available to facility residents and
3 personnel as needed.

4 (c) Each long-term care facility shall designate a quality
5 assessment and assurance committee to approve and monitor the
6 facility's infection prevention and control program. The facility's
7 committee must include:

8 (1) the facility's director of nursing or an
9 equivalent consultant with the facility;

10 (2) the facility's medical director or the director's
11 designee;

12 (3) not less than three facility employees, at least
13 one of whom must be a facility administrator, a facility board
14 member, or another individual in a leadership position with the
15 facility; and

16 (4) the facility's primary infection preventionist
17 designated under Section 81.0145.

18 (d) A long-term care facility's quality assessment and
19 assurance committee shall:

20 (1) conduct an annual review of the facility's
21 infection prevention and control program and modify the program as
22 necessary; and

23 (2) present the findings of each review conducted
24 under Subdivision (1) to facility residents and personnel at annual
25 meetings that are open to the public.

26 (e) A long-term care facility's primary infection
27 preventionist designated under Section 81.0145 shall:

1 (1) with the assistance of the facility's secondary
2 infection preventionist designated under that section, implement
3 the facility's infection prevention and control program; and

4 (2) submit regular reports to the facility's quality
5 assessment and assurance committee on the implementation of the
6 program.

7 SECTION 2. Subchapter A, Chapter 81, Health and Safety
8 Code, is amended by adding Sections 81.0145 and 81.0146 to read as
9 follows:

10 Sec. 81.0145. LONG-TERM CARE FACILITY INFECTION
11 PREVENTIONISTS. (a) Each long-term care facility shall designate
12 a primary and a secondary infection preventionist. The primary and
13 secondary infection preventionists must:

14 (1) have professional training or other specialized
15 training in nursing, medical technology, microbiology, or another
16 related field;

17 (2) have completed specialized training in infection
18 prevention and control;

19 (3) work at least part-time at the facility; and

20 (4) annually complete at least eight hours of training
21 approved by the commission related to infectious diseases and
22 vaccinations.

23 (b) A long-term care facility's primary infection
24 preventionist and, under the direction of the primary infection
25 preventionist, secondary infection preventionist shall:

26 (1) implement the facility's infection prevention and
27 control program in the manner described by Section 81.014;

1 (2) serve as the facility's contact for the local
2 health department or health authority to notify the facility of a
3 potential exposure to a reportable disease at the facility;

4 (3) notify the local health department or health
5 authority of a potential exposure to a reportable disease at the
6 facility not later than eight hours from the time of exposure;

7 (4) notify facility residents, personnel, and
8 resident representatives not later than 12 hours from the time a
9 reportable disease at the facility is verified;

10 (5) investigate and evaluate incidents during which
11 facility residents or personnel were or may have been exposed to a
12 communicable disease, using current evidence-based information on
13 the possible risks associated with exposure to the communicable
14 disease;

15 (6) implement control measures to prevent the spread
16 of infection of a communicable disease among facility residents and
17 personnel, including:

18 (A) immunization;

19 (B) detention;

20 (C) restrictions;

21 (D) disinfection;

22 (E) decontamination;

23 (F) isolation;

24 (G) quarantine;

25 (H) disinfestation;

26 (I) chemoprophylaxis;

27 (J) preventive therapy;

1 (K) prevention methods; and

2 (L) education;

3 (7) in accordance with applicable law, monitor all
4 treatment provided to a facility resident or employee who is
5 exposed to and as a result of that exposure infected with a
6 communicable disease at the facility;

7 (8) maintain records of and respond in a timely
8 manner, as determined by the facility, to each communicable disease
9 complaint made by facility residents, personnel, or resident
10 representatives;

11 (9) as required by the executive commissioner, submit
12 to the department or the local health department or health
13 authority accurate information on the total number of cases of a
14 reportable disease among facility residents or personnel; and

15 (10) perform other duties for the facility as assigned
16 by the executive commissioner.

17 (c) A primary or secondary infection preventionist may not
18 serve concurrently as an infection preventionist for more than
19 three long-term care facilities.

20 (d) Each long-term care facility shall provide to the local
21 health department or health authority the names and qualifications
22 of the facility's primary and secondary infection preventionists.

23 Sec. 81.0146. ADMINISTRATIVE PENALTY RELATED TO LONG-TERM
24 CARE FACILITY COMMUNICABLE DISEASE AND PREVENTION CONTROL
25 MEASURES. (a) The commission may impose an administrative penalty
26 against a long-term care facility that violates Section 81.014 or
27 81.0145 in an amount determined by the executive commissioner in

1 accordance with commission rules.

2 (b) The amount of an administrative penalty imposed under
3 this section shall be based on:

4 (1) the seriousness of the violation, including the
5 nature, circumstances, extent, and gravity of any prohibited acts,
6 and the hazard or potential hazard created to the health and safety
7 of facility residents and personnel;

8 (2) enforcement costs relating to the violation;

9 (3) the history of previous violations;

10 (4) the amount necessary to deter future violations;

11 (5) efforts to correct the violation; and

12 (6) any other matter that justice may require.

13 SECTION 3. (a) As soon as practicable after the effective
14 date of this Act, each long-term care facility licensed under
15 Chapter 242, 247, or 252, Health and Safety Code, shall:

16 (1) establish an infection prevention and control
17 program and designate a quality assessment and assurance committee
18 to approve the program as required by Section 81.014, Health and
19 Safety Code, as amended by this Act; and

20 (2) designate a primary and a secondary infection
21 preventionist as required by Section 81.0145, Health and Safety
22 Code, as added by this Act.

23 (b) As soon as practicable after the effective date of this
24 Act, the executive commissioner of the Health and Human Services
25 Commission shall adopt the rules necessary to implement the changes
26 in law made by this Act.

27 SECTION 4. This Act takes effect September 1, 2023.