

By: Campos

H.B. No. 1865

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the requirements for certain institutions and
3 facilities that provide care and services to persons with
4 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.

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

23 (b-1) Notwithstanding Subsection (b) and subject to
24 Subsection (b-2), an institution is not required to hold a

1 certification issued under this section to provide care and
2 treatment for persons with Alzheimer's disease and related
3 disorders before January 1, 2028.

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

8 (b-3) Subsections (b-1) and (b-2) and this subsection
9 expire September 1, 2030.

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

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

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

27 SECTION 3. The heading to Section [247.029](#), Health and

1 Safety Code, is amended to read as follows:

2 Sec. 247.029. CLASSIFICATION OF FACILITIES THAT PROVIDE
3 PERSONAL CARE SERVICES TO [FOR] PERSONS WITH ALZHEIMER'S DISEASE OR
4 RELATED DISORDERS.

5 SECTION 4. Section 247.029, Health and Safety Code, is
6 amended by amending Subsection (a) and adding Subsections (a-1),
7 (a-2), and (a-3) to read as follows:

8 (a) The executive commissioner by rule shall establish a
9 classification and license for a facility that [~~advertises,~~
10 ~~markets, or otherwise promotes that the facility]~~ provides personal
11 care services to residents who have Alzheimer's disease or related
12 disorders. A facility may not [~~is not required to be classified~~
13 ~~under this section to]~~ provide personal care services [~~care or~~
14 ~~treatment]~~ to residents who have Alzheimer's disease or related
15 disorders unless the facility is classified under this section.

16 (a-1) Notwithstanding Subsection (a) and subject to
17 Subsection (a-2), a facility is not required to be classified under
18 this section to provide personal care services to persons with
19 Alzheimer's disease or related disorders before January 1, 2028.

20 (a-2) A facility that is initially licensed under this
21 chapter on or after January 1, 2025, must be classified under this
22 section to provide personal care services to persons with
23 Alzheimer's disease or related disorders.

24 (a-3) Subsections (a-1) and (a-2) and this subsection
25 expire September 1, 2030.

26 SECTION 5. As soon as practicable after the effective date
27 of this Act, the executive commissioner of the Health and Human

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1 Services Commission shall adopt the rules necessary to implement
2 the changes in law made by this Act.

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