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H.B. No. 3550

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to standards for and services provided by prescribed  
3 pediatric extended care centers.

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

5 SECTION 1. Section [248A.101\(b\)](#), Health and Safety Code, is  
6 amended to read as follows:

7 (b) To protect the health and safety of the public and  
8 ensure the health, safety, and comfort of the minors served by a  
9 center, the rules must establish minimum center standards,  
10 including:

11 (1) standards relating to the issuance, renewal,  
12 denial, suspension, probation, and revocation of a license to  
13 operate a center;

14 (2) standards relating to the provision of  
15 family-centered basic services that include individualized  
16 medical, developmental, and family training services;

17 (3) based on the size of the building and the number of  
18 minors served, building construction and renovation standards,  
19 including standards for plumbing, electrical, glass, manufactured  
20 buildings, accessibility for persons with physical disabilities,  
21 and fire protection;

22 (4) based on the size of the building and the number of  
23 minors served, building maintenance conditions relating to  
24 plumbing, heating, lighting, ventilation, adequate space, fire

1 protection, and other conditions;

2 (5) standards relating to the minimum number of and  
3 qualifications required for personnel who provide personal care or  
4 basic services to the minors served;

5 (6) standards relating to the sanitary conditions  
6 within a center and its surroundings, including water supply,  
7 sewage disposal, food handling, and general hygiene;

8 (7) standards relating to the programs offered by the  
9 center to promote and maintain the health and development of the  
10 minors served and to meet the training needs of the minors' parents  
11 or legal guardians;

12 (8) standards relating to physician-prescribed  
13 supportive services;

14 (9) standards relating to transportation services and  
15 as required by Section 248A.1015; and

16 (10) standards relating to maintenance of patient  
17 medical records and program records in accordance with other law  
18 and with accepted professional standards and practices.

19 SECTION 2. Subchapter C, Chapter 248A, Health and Safety  
20 Code, is amended by adding Sections 248A.1015, 248A.105, and  
21 248A.106 to read as follows:

22 Sec. 248A.1015. TRANSPORTATION STANDARDS. The executive  
23 commissioner by rule shall establish minimum standards for  
24 transportation services as required under Section 248A.101(b)(9).  
25 In adopting rules under this section, the executive commissioner:

26 (1) shall authorize a center, in coordination with a  
27 client's parent, guardian, or other responsible adult, to determine

1 the schedule of transportation services and determine by provider  
2 type whether a provider must be present to supervise the client  
3 during transportation; and

4 (2) may not:

5 (A) require a plan of care or physician's order  
6 to document a client's need for transportation services to access a  
7 center's services;

8 (B) require the center to obtain:

9 (i) the signature of a client's parent,  
10 guardian, or other responsible adult on each occasion the client  
11 boards or deboards the transportation; or

12 (ii) any confirmation of the exact time the  
13 client boards or deboards the transportation; or

14 (C) prohibit a client from declining  
15 transportation offered by a center, including declining  
16 transportation entirely or only on a specific date.

17 Sec. 248A.105. REIMBURSEMENT FOR SERVICES. (a) The  
18 executive commissioner by rule shall establish a reimbursement rate  
19 for services a center provides to clients, including transportation  
20 service to and from the center. The executive commissioner shall  
21 clearly identify the documentation a center must obtain and  
22 maintain to be eligible for reimbursement.

23 (b) In adopting rules under Subsection (a), the executive  
24 commissioner may not:

25 (1) authorize a center to combine documentation for  
26 transportation with documentation for other services provided by  
27 the center;

1           (2) condition reimbursement for transportation  
2 services on:

3           (A) obtaining the signature of a client's parent,  
4 guardian, or other responsible adult on each occasion the client  
5 boards or deboards the transportation; or

6           (B) obtaining any confirmation of the exact time  
7 the client boards or deboards the transportation; or

8           (3) condition reimbursement of non-transportation  
9 services on:

10           (A) a client's decision to use transportation  
11 services on a specific date or on an ongoing basis; or

12           (B) a center's obtaining and maintaining  
13 transportation documentation.

14           Sec. 248A.106. INTERFERENCE WITH RIGHTS TO DETERMINE  
15 TREATMENT. (a) Except as provided by Subsection (b), any rules the  
16 executive commissioner adopts under this subchapter may not  
17 interfere with the authority of a parent, guardian, or other  
18 responsible adult of a minor client to make decisions regarding the  
19 treatment provided to the child, including by:

20           (1) requiring the center and the parent, guardian, or  
21 other responsible adult of a minor client to adhere to a set  
22 schedule of treatment determined in advance;

23           (2) conditioning payment to a center on the parent,  
24 guardian, or other responsible adult of a minor client providing an  
25 explanation of any discrepancies between the treatment scheduled  
26 and treatment provided; and

27           (3) preventing the center and the parent, guardian, or

1 other responsible adult of a minor client from modifying the  
2 treatment and schedule of treatment consistent with the changing  
3 medical needs of the client.

4 (b) The executive commissioner, by rule, may limit the  
5 maximum amount of authorized services provided to a client.

6 SECTION 3. Section 248A.158, Health and Safety Code, is  
7 amended to read as follows:

8 Sec. 248A.158. RELATION TO NURSING SERVICES. (a) Subject  
9 to Subsection (b), nursing [Nursing] services provided by a center  
10 must be a [one-to-one] replacement of private duty nursing or other  
11 skilled nursing services unless additional nursing services are  
12 medically necessary.

13 (b) A center may provide nursing services in a group  
14 setting, consistent with appropriate staffing ratios.

15 SECTION 4. Subchapter D, Chapter 248A, Health and Safety  
16 Code, is amended by adding Section 248A.159 to read as follows:

17 Sec. 248A.159. ADMISSION FORMS. (a) Before admission to a  
18 center, the center may obtain all required parent or legal guardian  
19 signatures for a patient on one consent document.

20 (b) The consent document must illustrate the involvement of  
21 the parent or legal guardian in developing and establishing the  
22 care and treatment to be provided to the patient in the center.

23 SECTION 5. As soon as practicable after the effective date  
24 of this Act, the executive commissioner of the Health and Human  
25 Services Commission shall:

26 (1) adopt the rules necessary to implement the changes  
27 in law made by this Act; and

1                   (2) update any relevant procedure manuals, including  
2 the Children's Services Handbook, to conform to the changes in law  
3 made by this Act.

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