

By: Rose

H.B. No. 3550

A BILL TO BE ENTITLED

AN ACT

relating to standards for and services provided by prescribed pediatric extended care centers.

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

SECTION 1. Section 248A.101(b), Health and Safety Code, is amended to read as follows:

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

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

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

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

(4) based on the size of the building and the number of minors serves, building construction and renovation standards, including standards for plumbing, electrical, glass, manufactured

1 buildings, accessibility for persons with physical disabilities,
2 and fire protection and other conditions;

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

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

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

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

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

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

20 SECTION 2. Subchapter C, Chapter 248A, Health and Safety
21 Code, is amended by adding Sections 248A.1015, 248A.105, and
22 248A.106 to read as follows:

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

27 (1) shall authorize a center, in coordination with a

1 client's parent, guardian, or other responsible adult, to determine
2 the schedule of transportation services and determine by provider
3 type whether a provider must be present to supervise the client
4 during transportation; and

5 (2) may not:

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

9 (B) require the center to obtain:

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

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

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

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

24 (b) In adopting rules under Subsection (a), the executive
25 commissioner shall:

26 (1) Establish a reimbursement rate that, when
27 converted to an hourly rate, is equal to the average hourly unit

1 rate for private duty nursing provided under the Texas Health Steps
2 Comprehensive Care Program and shall not;

3 (2) authorize a center to combine documentation for
4 transportation with documentation for other services provided by
5 the center;

6 (3) condition reimbursement for transportation
7 services on:

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

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

13 (4) condition reimbursement of non-transportation
14 services on:

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

17 (B) a center's obtaining and maintaining
18 transportation documentation.

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

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

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

5 (3) preventing the center and the parent, guardian, or
6 other responsible adult of a minor client from modifying the
7 treatment and schedule of treatment consistent with the changing
8 medical needs of the client.

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

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

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

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

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

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

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

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

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

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

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