

Amend CSHB 2292 in ARTICLE 2 of the bill by inserting the following new SECTION, appropriately numbered, and renumbering subsequent sections of the article accordingly:

SECTION _____. (a) Section 242.047, Health and Safety Code, is amended to read as follows:

Sec. 242.047. ACCREDITATION REVIEW TO SATISFY [~~INSTEAD OF~~] INSPECTION OR CERTIFICATION REQUIREMENTS. (a) The department shall accept an annual accreditation review from the Joint Commission on Accreditation of Health Organizations for a nursing home instead of an inspection for renewal of a license under Section 242.033 and in satisfaction of the requirements for certification by the department for participation in the medical assistance program under Chapter 32, Human Resources Code, and the federal Medicare program, but only if:

(1) the nursing home is accredited by the commission under the commission's long-term care standards;

(2) the commission maintains an annual inspection or review program that, for each nursing home, meets the department's applicable minimum standards as confirmed by the board;

(3) the commission conducts an annual on-site inspection or review of the home; [~~and~~]

(4) the nursing home submits to the department a copy of its annual accreditation review from the commission in addition to the application, fee, and any report required for renewal of a license or for certification, as applicable; and

(5) the department has:

(A) determined whether a waiver or authorization from a federal agency is necessary under federal law, including for federal funding purposes, before the department accepts an annual accreditation review from the joint commission:

(i) instead of an inspection for license renewal purposes;

(ii) as satisfying the requirements for certification by the department for participation in the medical assistance program; or

(iii) as satisfying the requirements for certification by the department for participation in the federal

Medicare program; and

(B) obtained any necessary federal waivers or authorizations.

(b) The department shall coordinate its licensing and certification activities with the commission.

(c) The department and the commission shall sign a memorandum of agreement to implement this section. The memorandum must provide that if all parties to the memorandum do not agree in the development, interpretation, and implementation of the memorandum, any area of dispute is to be resolved by the board.

(d) Except as specifically provided by this section, this [~~This~~] section does not limit the department in performing any duties and inspections authorized by this chapter or under any contract relating to the medical assistance program under Chapter 32, Human Resources Code, and Titles XVIII and XIX of the Social Security Act (42 U.S.C. Sections 1395 et seq. and 1396 et seq.), including authority to take appropriate action relating to an institution, such as closing the institution.

(e) This section does not require a nursing home to obtain accreditation from the commission.

(b) Not later than October 1, 2003, the Texas Department of Human Services shall:

(1) determine whether a waiver or authorization from a federal agency is necessary under federal law, including for federal funding purposes, before the department may accept an annual accreditation review from the Joint Commission on Accreditation of Health Organizations for a nursing home:

(A) instead of an inspection for purposes of renewing a nursing home license under Chapter 242, Health and Safety Code;

(B) as satisfying the requirements for certification by the department for participation in the medical assistance program under Chapter 32, Human Resources Code; and

(C) as satisfying the requirements for certification by the department for participation in the federal Medicare program; and

(2) if the department determines that a waiver or

authorization is necessary, request any required waivers or authorizations that the department may possibly obtain under federal law.

(c) Not later than December 1, 2003, the Texas Department of Human Services shall report its progress under Subsection (b) of this section to the governor and to the presiding officer of each house of the legislature.