

By: Wohlgemuth

H.B. No. 1793

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the option to satisfy the inspection requirement for  
3 renewal of a nursing home license with an annual accreditation  
4 review performed by the Joint Commission on Accreditation of Health  
5 Organizations.

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

7 SECTION 1. Section 242.047(a), Health and Safety Code, is  
8 amended to read as follows:

9 (a) The department shall accept an annual accreditation  
10 review from the Joint Commission on Accreditation of Health  
11 Organizations for a nursing home instead of an inspection for  
12 renewal of a license under Section 242.033, but only if:

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

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

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

20 (4) the nursing home submits to the department a copy  
21 of its annual accreditation review from the commission in addition  
22 to the application, fee, and report required for renewal of a  
23 license; and

24 (5) the department has:

1           (A) determined whether a waiver or authorization  
2 from a federal agency is necessary under federal law, including for  
3 federal funding purposes, before the department accepts an annual  
4 accreditation review from the joint commission instead of an  
5 inspection for license renewal purposes; and

6           (B) obtained any necessary federal waivers or  
7 authorizations.

8           SECTION 2. (a) Not later than the 30th day after the  
9 effective date of this Act, the Texas Department of Human Services  
10 shall:

11           (1) determine whether a waiver or authorization from a  
12 federal agency is necessary under federal law, including for  
13 federal funding purposes, before the department may accept an  
14 annual accreditation review from the Joint Commission on  
15 Accreditation of Health Organizations for a nursing home instead of  
16 an inspection for purposes of renewing a nursing home license under  
17 Chapter 242, Health and Safety Code; and

18           (2) if the department determines that a waiver or  
19 authorization is necessary, request any required waivers or  
20 authorizations.

21           (b) Not later than the 90th day after the effective date of  
22 this Act, the Texas Department of Human Services shall report its  
23 progress under Subsection (a) of this section to the governor and to  
24 the presiding officer of each house of the legislature.

25           SECTION 3. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

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- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2003.