

## **BILL ANALYSIS**

Senate Research Center

S.B. 48  
By: Nelson  
Health & Human Services  
6/1/2005  
Enrolled

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

The Centers for Medicare and Medicaid Services requires nursing facilities certified to accept Medicare or Medicaid beneficiaries to complete and transmit information that provides the basis for comprehensive assessments of long-term care residents and for monitoring quality of care. This information is referred to as the Minimum Data Set.

However, without a state law, this reporting requirement does not apply to licensed-only nursing facilities not participating in Medicare or Medicaid, nor to individuals residing in non-certified units of nursing homes. Without this information, the Department of Aging and Disability Services is unable to systematically study or report on resident outcomes in all nursing facilities. Moreover, without the data on non-Medicaid and non-Medicare residents, the Department of Aging and Disability Services is unable to provide consumers evaluating long-term care services with a complete picture of the quality of care provided to residents.

S.B. 48 authorizes the Department of Aging and Disability Services to require convalescent and nursing homes and related institutions to submit to the department information necessary to improve the quality of care in nursing homes, including Minimum Data Set reports.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

[While the statutory reference in this bill is to the Texas Department of Human Services (DHS), the following amendments affect the Department of Aging and Disability Services, as successor agency to DHS.]

SECTION 1. Amends Section 242.403, Health and Safety Code, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Authorizes the Texas Department of Human Services (DHS) to require an institution to submit information to DHS, including Minimum Data Set Resident Assessments, necessary to ensure the quality of care in institutions. Provides that information submitted to DHS that identifies a resident of an institution is confidential and not subject to disclosure under Chapter 552 (Public Information), Government Code.

(c) Redesignated from existing Subsection (b).

SECTION 2. Amends Section 32.028, Human Resources Code, by adding Subsection (n), as follows:

(n) Requires the Health and Human Services Commission to ensure that rules governing the determination of rates paid for nursing home services provide for the reporting of all revenue and costs, without regard to whether a cost is an allowable cost for reimbursement under the medical assistance program, except certain penalties and as provided by Subsection (h).

SECTION 3. Effective date: September 1, 2005.