

BILL ANALYSIS

C.S.S.B. 48
By: Nelson
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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.

C.S.S.B. 48 authorizes the Department of Aging and Disability Services to require an institution to submit information necessary to improve the quality of care in nursing homes, including Minimum Data Set Resident Assessments.

In addition, in conjunction with the rate-setting process, nursing homes currently report only those costs that are eligible for reimbursement under the medical assistance program. This does not provide a comprehensive picture of revenues and costs, and may create an inaccurate impression of the actual costs of providing services. C.S.S.B. 48 provides that the Health and Human Services Commission shall ensure that rules governing the determination of rates paid for nursing homes provide for the reporting of all costs, without regard to whether a cost is an allowable cost for reimbursement under the medical assistance program.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commission (Executive Commissioner of the Health and Human Services Commission) in SECTION 2 of this bill.

ANALYSIS

The bill authorizes the Department of Aging and Disability Services to require an institution to submit information, including Minimum Data Set Resident Assessments, necessary to ensure the quality of care in institutions. The bill further provides that information submitted to DADS that identifies a resident of an institution is confidential and not subject to disclosure under Chapter 552, Government Code.

The bill also provides that the Health and Human Services Commission shall ensure that rules governing the determination of rates paid for nursing homes provide for the reporting of all costs, without regard to whether a cost is an allowable cost for reimbursement under the medical assistance program, with certain exceptions as set forth in the bill.

EFFECTIVE DATE

September 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute adds the provision relating to the reporting of costs without regard to whether a cost is allowable under the medical assistance program.

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