

## **BILL ANALYSIS**

C.S.S.B. 874  
By: Nelson  
Human Services  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, quality monitoring visits performed by the Department of Aging and Disability Services (DADS) under Chapter 255, Health and Safety Code, are required to be unannounced. Because visits must be unannounced, nursing facility staff who would benefit from discussing areas of improvement with DADS may not be present at the time of a visit.

C.S.S.B. 874 increases the overall effectiveness of quality-of-care monitoring visits by giving DADS the option of announcing visits if needed to ensure that key nursing facility staff are present at the time of the visit. The bill also continues DADS authority to conduct unannounced visits so that DADS can use such visits to detect conditions that could be detrimental to the health, safety, and welfare of residents in long-term care facilities.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

The bill makes conforming amendments to reflect the current organizational structure of health and human services agencies.

The bill strikes a provision in current law requiring monitoring of long-term care facilities to be unannounced, and adds a provision that such visits can be either announced or unannounced.

The bill changes a reference to "an assessment" visit to "a monitoring" visit.

### **EFFECTIVE DATE**

September 1, 2005

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The original included a provision that, with certain exceptions relating to enforcement actions by the state or an agency or political subdivision of the state, the findings of a monitoring visit are not subject to civil discovery or admissible in evidence in a civil action in any court. The substitute does not include this provision.