

BILL ANALYSIS

Senate Research Center

S.B. 1055
By: Janek
Health & Human Services
7/19/2005
Enrolled

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

There are two national accreditation organizations, the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) and the Commission on Accreditation of Rehabilitation Facilities (CARF), that have joined with states to develop regulations and public-private partnerships that encompass and promote the private accreditation standards and practices of human service providers such as hospitals, nursing homes, and assisted living facilities.

Currently, JCAHO has entered into private accreditation partnerships with the Texas Health and Human Services Commission regarding hospitals and nursing homes, but has not given assisted living facilities private accreditation partnership status.

S.B. 1055 allows assisted living facilities to benefit from the same private accreditation practices on a voluntary basis.

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, the following amendments affect the Department of Aging and Disability Services, as the successor agency to the Department of Human Services.]

SECTION 1. Amends Subchapter B, Chapter 247, Health and Safety Code, by adding Section 247.032, as follows:

Sec. 247.032. ACCREDITATION SURVEY TO SATISFY INSPECTION REQUIREMENTS. (a) Defines "accreditation commission."

(b) Requires the Department of Human Services (department) to accept an accreditation survey from an accreditation commission for an assisted living facility instead of an inspection under Section 247.023 (Issuance and Renewal of License) or an annual inspection or survey conducted under the authority of Section 247.027 (Inspections), but only if certain requirements are met.

(c) Requires the department to coordinate its licensing and certification activities with each of the accreditation commissions.

(d) Provides that this section, except as specifically provided, does not limit the department in performing any power or duty under this chapter or inspection authorized by Section 247.027, including taking appropriate action relating to an assisted living facility, such as suspending or revoking a license, investigating an allegation of abuse, exploitation, or neglect or another complaint, assessing an administrative penalty, or closing the facility.

(e) Provides that this section does not require an assisted living facility to obtain accreditation from an accreditation commission.

SECTION 2. Amends Subchapter D, Chapter 247, Health and Safety Code, by adding Section 247.069, as follows:

Sec. 247.069. CONSUMER CHOICE FOR ASSISTED LIVING IN COMMUNITY CARE PROGRAMS. Requires the community based alternatives program and residential care programs, which provide an assisted living option to consumers, to provide a consumer the opportunity to choose an assisted living facility that meets the department's licensing standards relating to facility construction without regard to the number of units in the facility, if consumers are advised of all other community care options and the facility meets certain qualifications.

SECTION 3. (a) Requires the Health and Human Services Commission (HHSC) to convene a workgroup composed of specific individuals to study laws relating to the delivery of personal care services to four or more persons who are unrelated to the proprietor in settings that are not licensed as assisted living facilities, but are instead settings where one or more residents receive personal care services through one or more home and community support services agencies. Sets forth the purpose of the study.

(b) Requires the workgroup, not later than December 1, 2006, with the assistance of HHSC, to prepare and deliver a report and make recommendations on the issues studied to specific government officials.

(c) Provides that this section expires February 1, 2007.

SECTION 4. Requires the Department of Aging and Disability Services, not later than June 1, 2007, to accept an accreditation survey and implement the procedures required by Section 247.032, Health and Safety Code, as added by this Act.

SECTION 5. Effective date: September 1, 2005.