

BILL ANALYSIS

S.B. 1055
By: Janek
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There are two national accreditation organizations, the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) and the Commission on Accreditation of Rehabilitation Facilities, 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 (HHSC) relative to hospitals and nursing homes, but not yet with assisted living facilities. S.B. 1055 allows assisted living facilities to benefit from the same private accreditation practices on a voluntary basis.

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 provides that the Department of Aging and Disability Services (DADS) shall accept an accreditation survey from an accreditation commission for an assisted living facility in lieu of certain DADS inspection and survey requirements, but only if:

- the accreditation commission's standards meet or exceed certain requirements and standards of HHSC and DADS;
- on-site inspections and surveys are conducted as often as required by certain provisions of law and in accordance with DADS minimum standards;
- certain reporting requirements are satisfied;
- inspection or survey results are available for public inspection to the same extent that the results of certain DADS investigations or surveys are made public; and
- DADS ensures that an accreditation commission has taken reasonable precautions to protect the confidentiality of personally identifiable information concerning residents of an assisted living facility.

The bill requires DADS to coordinate its licensing activities with each of the accreditation commissions.

The bill provides that, except as specifically set forth in the bill, the bill does not limit the powers and duties of DADS under Chapter 247, Health and Safety Code, or DADS' authority to perform inspections, and does not limit the authority of DADS to take appropriate action relating to an assisted living facility, such as suspending or revoking a license, conducting investigations, assessing penalties, or closing a facility.

The bill does not require an assisted living facility to obtain accreditation from an accreditation commission

EFFECTIVE DATE

January 1, 2006