

1-1 By: Davis of Harris (Senate Sponsor - Deuell) H.B. No. 1503  
1-2 (In the Senate - Received from the House April 14, 2005;  
1-3 April 18, 2005, read first time and referred to Committee on Health  
1-4 and Human Services; April 29, 2005, reported adversely, with  
1-5 favorable Committee Substitute by the following vote: Yeas 8,  
1-6 Nays 0; April 29, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1503 By: Deuell

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the additional exit conference required following  
1-11 inspection, survey, or investigation of certain facilities.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Sections 242.0445(b) and (c), Health and Safety  
1-14 Code, are amended to read as follows:

1-15 (b) At the conclusion of an inspection, survey, or  
1-16 investigation under Section 242.043 or 242.044, the department or  
1-17 the department's representative conducting the inspection, survey,  
1-18 or investigation shall discuss the violations with the facility's  
1-19 management in an exit conference. The department or the  
1-20 department's representative shall leave a written list of the  
1-21 violations with the facility at the time of the exit conference. If  
1-22 the department or the department's representative discovers any  
1-23 additional violations during the review of field notes or  
1-24 preparation of the official final list, the department or the  
1-25 department's representative shall give the facility an additional  
1-26 exit conference regarding the additional violations. An additional  
1-27 exit conference must be held in person and may not be held over the  
1-28 telephone, by e-mail, or by fax.

1-29 (c) The facility shall submit a plan to correct the  
1-30 violations to the regional director not later than the 10th working  
1-31 day after the date the facility receives the final official  
1-32 statement of violations.

1-33 SECTION 2. Section 247.0271, Health and Safety Code, is  
1-34 amended by amending Subsection (c) and adding Subsection (d) to  
1-35 read as follows:

1-36 (c) If, after the initial exit conference, additional  
1-37 violations are cited, the inspector shall conduct an additional  
1-38 exit conference regarding the newly identified violations. An  
1-39 additional exit conference must be held in person and may not be  
1-40 held over the telephone, by e-mail, or by fax.

1-41 (d) The assisted living facility shall submit a plan of  
1-42 correction to the regional director with supervisory authority over  
1-43 the inspector not later than the 10th working day after the date the  
1-44 facility receives the final official statement of violations.

1-45 SECTION 3. Sections 252.044(b) and (c), Health and Safety  
1-46 Code, are amended to read as follows:

1-47 (b) At the conclusion of an inspection, survey, or  
1-48 investigation under this chapter, the department or the  
1-49 department's representative conducting the inspection, survey, or  
1-50 investigation shall discuss the violations with the facility's  
1-51 management in an exit conference. The department or the  
1-52 department's representative shall leave a written list of the  
1-53 violations with the facility and the person designated by the  
1-54 facility to receive notice under Section 252.066 at the time of the  
1-55 exit conference. If the department or the department's  
1-56 representative discovers any additional violations during the  
1-57 review of field notes or preparation of the official final list, the  
1-58 department or the department's representative shall give the  
1-59 facility an additional exit conference regarding the additional  
1-60 violations. An additional exit conference must be held in person  
1-61 and may not be held over the telephone, by e-mail, or by fax.

1-62 (c) The facility shall submit a plan to correct the  
1-63 violations to the regional director not later than the 10th working

2-1 day after the date the facility receives the final official  
2-2 statement of violations.

2-3 SECTION 4. Sections 142.009(f)-(j), Health and Safety Code,  
2-4 are amended to read as follows:

2-5 (f) At the conclusion of a survey or complaint  
2-6 investigation, the [The] department shall fully inform the person  
2-7 who is in charge of the home and community support services agency  
2-8 of the preliminary findings of the survey at an exit conference and  
2-9 shall give the person a reasonable opportunity to submit additional  
2-10 facts or other information to the department's authorized  
2-11 representative in response to those findings. The response shall  
2-12 be made a part of the record of the survey for all purposes. The  
2-13 department's representative shall leave a written list of the  
2-14 preliminary findings with the home and community support services  
2-15 agency at the time of the exit conference.

2-16 (g) After a survey of a home and community support services  
2-17 agency by the department, the department shall provide to the chief  
2-18 executive officer of the agency:

2-19 (1) specific and timely written notice of the official  
2-20 [~~preliminary~~] findings of the survey, including:

2-21 (A) the specific nature of the survey;

2-22 (B) any alleged violations of a specific statute  
2-23 or rule;

2-24 (C) the specific nature of any finding regarding  
2-25 an alleged violation or deficiency; and

2-26 (D) if a deficiency is alleged, the severity of  
2-27 the deficiency;

2-28 (2) information on the identity, including the  
2-29 signature, of each department representative conducting,  
2-30 reviewing, or approving the results of the survey and the date on  
2-31 which the department representative acted on the matter; and

2-32 (3) if requested by the agency, copies of all  
2-33 documents relating to the survey maintained by the department or  
2-34 provided by the department to any other state or federal agency that  
2-35 are not confidential under state law.

2-36 (h) If the department or the department's representative  
2-37 discovers any additional violations during the review of field  
2-38 notes or preparation of the official statement of deficiencies, the  
2-39 department or department's representative shall give the home and  
2-40 community support services agency an additional exit conference  
2-41 regarding the additional violations. An additional exit conference  
2-42 must be held in person and may not be held over the telephone, by  
2-43 e-mail, or by fax.

2-44 (i) [~~h~~] Except for the investigation of complaints, a home  
2-45 and community support services agency licensed by the department  
2-46 under this chapter is not subject to additional surveys relating to  
2-47 home health, hospice, or personal assistance services while the  
2-48 agency maintains accreditation for the applicable service from the  
2-49 Joint Commission for Accreditation of Healthcare Organizations,  
2-50 the Community Health Accreditation Program, or other accreditation  
2-51 organizations that meet or exceed the regulations adopted under  
2-52 this chapter. Each provider must submit to the department  
2-53 documentation from the accrediting body indicating that the  
2-54 provider is accredited when the provider is applying for the  
2-55 initial license and annually when the license is renewed.

2-56 (j) Except as provided by Subsections (i) [~~h~~] and (l), an  
2-57 on-site survey must be conducted within 18 months after a survey for  
2-58 an initial license. After that time, an on-site survey must be  
2-59 conducted at least every 36 months.

2-60 SECTION 5. This Act takes effect September 1, 2005.

\* \* \* \* \*

2-61