

By: Davis of Harris

H.B. No. 1558

Substitute the following for H.B. No. 1558:

By: Davis of Harris

C.S.H.B. No. 1558

A BILL TO BE ENTITLED

AN ACT

1
2 relating to an alternative method of satisfying certain licensing
3 and program participation requirements for assisted living
4 facilities.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter B, Chapter 247, Health and Safety
7 Code, is amended by adding Section 247.032 to read as follows:

8 Sec. 247.032. ACCREDITATION SURVEY TO SATISFY INSPECTION OR
9 CERTIFICATION REQUIREMENTS. (a) In this section, "accreditation
10 commission" means the Commission on Accreditation of
11 Rehabilitation Facilities or the Joint Commission on Accreditation
12 of Healthcare Organizations.

13 (b) The department shall accept an accreditation survey
14 from an accreditation commission for an assisted living facility
15 instead of an inspection under Section 247.023, instead of an
16 annual inspection or survey conducted under the authority of
17 Section 247.027, and in satisfaction of the requirements for
18 certification by the department for participation in the medical
19 assistance program under Chapter 32, Human Resources Code, and the
20 federal Medicare program, but only if:

21 (1) the accreditation commission's standards meet or
22 exceed the requirements for licensing of the executive commissioner
23 of the Health and Human Services Commission for an assisted living
24 facility;

1 (2) the accreditation commission maintains an
2 inspection or survey program that, for each assisted living
3 facility, meets the department's applicable minimum standards as
4 confirmed by the executive commissioner of the Health and Human
5 Services Commission;

6 (3) the accreditation commission conducts an on-site
7 inspection or survey of the facility in accordance with the
8 commission's minimum standards;

9 (4) the assisted living facility submits to the
10 department a copy of its required accreditation reports to the
11 accreditation commission in addition to the application, the fee,
12 and any report required for renewal of a license or for
13 certification, as applicable; and

14 (5) the department has:

15 (A) determined whether a waiver or authorization
16 from a federal agency is necessary under federal law, including for
17 federal funding purposes, before the department accepts an
18 accreditation survey from the accreditation commission:

19 (i) instead of an inspection for license
20 renewal purposes;

21 (ii) as satisfying the requirements for
22 certification by the department for participation in the medical
23 assistance program; or

24 (iii) as satisfying the requirements for
25 certification by the department for participation in the federal
26 Medicare program; and

27 (B) obtained any necessary federal waivers or

1 authorizations.

2 (c) The department shall coordinate its licensing and
3 certification activities with each of the accreditation
4 commissions.

5 (d) Except as specifically provided by this section, this
6 section does not limit the department in performing any power or
7 duty under this chapter or inspection authorized by Section 247.027
8 or under any contract relating to the medical assistance program
9 under Chapter 32, Human Resources Code, and Titles XVIII and XIX of
10 the Social Security Act (42 U.S.C. Sections 1395 et seq. and 1396 et
11 seq.), including authority to take appropriate action relating to
12 an assisted living facility, such as suspending or revoking a
13 license, investigating an allegation of abuse, exploitation, or
14 neglect or another complaint, assessing an administrative penalty,
15 or closing the facility.

16 (e) This section does not require an assisted living
17 facility to obtain accreditation from an accreditation commission.

18 SECTION 2. (a) Not later than October 1, 2005, the
19 Department of Aging and Disability Services shall:

20 (1) determine whether a waiver or authorization from a
21 federal agency is necessary under federal law, including for
22 federal funding purposes, before the department may accept an
23 accreditation survey from the Commission on Accreditation of
24 Rehabilitation Facilities or the Joint Commission on Accreditation
25 of Healthcare Organizations for an assisted living facility:

26 (A) instead of an inspection for purposes of
27 renewing an assisted living facility license under Chapter 247,

1 Health and Safety Code;

2 (B) as satisfying the requirements for
3 certification by the department for participation in the medical
4 assistance program under Chapter 32, Human Resources Code; and

5 (C) as satisfying the requirements for
6 certification by the department for participation in the federal
7 Medicare program; and

8 (2) if the department determines that a waiver or
9 authorization is necessary, request any required waivers or
10 authorizations that the department may possibly obtain under
11 federal law.

12 (b) Not later than December 1, 2005, the Department of Aging
13 and Disability Services shall report its progress under Subsection
14 (a) of this section to the governor and to the presiding officer of
15 each house of the legislature.

16 SECTION 3. This Act takes effect September 1, 2005.