

By: Nelson

S.B. No. 874

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to quality-of-care monitoring visits to long-term care  
3 facilities.

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

5 SECTION 1. Subdivision (1), Section 255.001, Health and  
6 Safety Code, is amended to read as follows:

7 (1) "Department" means the [~~Texas~~] Department of Aging  
8 and Disability [~~Human~~] Services.

9 SECTION 2. Section 255.003, Health and Safety Code, is  
10 amended by amending Subsections (a) and (f) and adding Subsection  
11 (k) to read as follows:

12 (a) The department shall establish regional offices with  
13 one or more quality-of-care monitors, based on the number of  
14 long-term care facilities in the region, to monitor the facilities  
15 in the region on a regular, [~~unannounced,~~] aperiodic basis,  
16 including nights, evenings, weekends, and holidays. A monitoring  
17 visit conducted under this chapter may be announced or unannounced.

18 (f) The quality-of-care monitor shall include in a  
19 monitoring [~~an assessment~~] visit:

20 (1) observation of the care and services rendered to  
21 residents; and

22 (2) formal and informal interviews with residents,  
23 family members, facility staff, resident guests, volunteers, other  
24 regulatory staff, and representatives of a human rights advocacy

1 committee.

2 (k) Notwithstanding Section 32.060(c), Human Resources  
3 Code, as added by Chapter 204, Acts of the 78th Legislature, Regular  
4 Session, 2003, or Section 242.017(c), the findings of a monitoring  
5 visit are not subject to civil discovery or admissible in evidence  
6 in a civil action in any court. This subsection does not apply to an  
7 enforcement action in which the state or any agency or political  
8 subdivision of the state is a party.

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