

1-1 By: Nelson S.B. No. 874
1-2 (In the Senate - Filed March 2, 2005; March 10, 2005, read
1-3 first time and referred to Committee on Health and Human Services;
1-4 April 7, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 7, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 874 By: Nelson

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

1-10 relating to quality-of-care monitoring visits to long-term care
1-11 facilities.

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

1-13 SECTION 1. Subdivision (1), Section 255.001, Health and
1-14 Safety Code, is amended to read as follows:

1-15 (1) "Department" means the [~~Texas~~] Department of Aging
1-16 and Disability [~~Human~~] Services.

1-17 SECTION 2. Section 255.003, Health and Safety Code, is
1-18 amended by amending Subsections (a) and (f) and adding Subsection
1-19 (k) to read as follows:

1-20 (a) The department shall establish regional offices with
1-21 one or more quality-of-care monitors, based on the number of
1-22 long-term care facilities in the region, to monitor the facilities
1-23 in the region on a regular, [~~unannounced,~~] aperiodic basis,
1-24 including nights, evenings, weekends, and holidays. A monitoring
1-25 visit conducted under this chapter may be announced or unannounced.

1-26 (f) The quality-of-care monitor shall include in a monitoring
1-27 [an assessment] visit:

1-28 (1) observation of the care and services rendered to
1-29 residents; and

1-30 (2) formal and informal interviews with residents,
1-31 family members, facility staff, resident guests, volunteers, other
1-32 regulatory staff, and representatives of a human rights advocacy
1-33 committee.

1-34 (k) Notwithstanding Section 32.060(c), Human Resources
1-35 Code, as added by Chapter 204, Acts of the 78th Legislature, Regular
1-36 Session, 2003, or Section 242.017(c), the findings of a monitoring
1-37 visit are not subject to civil discovery or admissible in evidence
1-38 in a civil action in any court. This subsection does not apply to an
1-39 enforcement action in which the state or any agency or political
1-40 subdivision of the state is a party.

1-41 SECTION 3. This Act takes effect September 1, 2005.

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