

BILL ANALYSIS

Senate Research Center

S.B. 131
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Health & Human Services
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Nursing Home Reform Act, passed by the United States Congress in 1987, authorizes the formation of family councils in nursing homes and requires nursing facilities to consider and act upon grievances communicated by families and residents. However, no state law exists to specifically allow for nursing home family councils.

A family council is an independently organized group consisting of families, legal guardians, and friends of residents meeting in the same nursing home that works to improve resident nursing care, to become informed on the regulations governing nursing homes, and to lend support to family members. Council members have a voice in making suggestions to the staff administration on facility policies and care of the residents.

Residents, family members, friends, nursing home staff, and nursing home owners all benefit from family councils, but the residents are the ones who reap the greatest benefit from effective family councils. Interested parties working together on the common issues and concerns to improve resident care results in benefits for everyone.

With family councils, facility staff and council work together to promote positive activities, solve resident concerns and issues, and improve the quality of care for residents. As the caregivers become aware of a family's expectations regarding good resident care, they may be prompted to monitor resident care more closely. Nursing facility owners benefit when the nursing home staff and family council work together on problems-solving, deficiencies cited by state surveyors may be reduced, and the facility may obtain a higher rating on its medical data sets report sent to the Centers for Medicare and Medicaid Services.

S.B. 131 authorizes the formation of family councils at nursing homes.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 3 (Section 242.906, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

[While the statutory reference in this bill is to the Texas Department of Human Services (DHS), the following amendments affect the Department of Aging and Disability Services, as the successor agency to DHS.]

SECTION 1. Amends Section 242.044(b), Health and Safety Code, to make a nonsubstantive change.

SECTION 2. Amends Section 242.0445, Health and Safety Code, by adding Subsection (b-1), as follows:

(b-1) Requires the facility to provide a copy of the final statement of violations under this section to a representative of the facility's family council not later than the fifth working day after the date the statement is received by the facility.

SECTION 3. Amends Chapter 242, Health and Safety Code, by adding Subchapter S, as follows:

SUBCHAPTER S. FAMILY COUNCIL

Sec. 242.901. DEFINITIONS. Defines "department," "executive commissioner," and "family council."

Sec. 242.902. FAMILY COUNCIL. Sets forth the actions a family council is authorized to take.

Sec. 242.903. DUTIES OF INSTITUTION. (a) Requires an institution to consider the views and recommendations of the family council and make a reasonable effort to resolve the council's grievances.

(b) Prohibits an institution from taking certain actions relating to a family council.

(c) Requires an institution to inform the resident's family in writing of certain matters upon admission of a resident.

(d) Requires an institution to take certain actions relating to a family council.

Sec. 242.904. MEETINGS. Requires an institution to allow the family council to meet in a common meeting room of the institution at least once per month on written request during hours mutually agreed upon by the family council and the institution. Authorizes institution employees and visitors to attend a family council meeting only at the council's invitation.

Sec. 242.905. VISITING. Authorizes a family council member to authorize in writing another member to visit and observe a resident represented by the authorizing member unless the resident objects.

Sec. 242.906. ADMINISTRATION; RULES. Requires DHS to administer this subchapter. Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) to adopt rules necessary for implementation of this section.

SECTION 4. Requires the executive commissioner to adopt rules as required by Section 242.906, Health and Safety Code, as added by this Act, not later than December 1, 2007.

SECTION 5. (a) Effective date: September 1, 2007, except as provided by Subsection (b).

(b) Effective date for Sections 1, 2, and 3 of this Act: September 1, 2008.