

BILL ANALYSIS

S.B. 344
By: Carona
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Department of Aging and Disability Services is the state agency responsible for inspecting nursing homes, assisted living facilities, and related institutions. At the conclusion of an inspection, the inspector is required to have an exit conference with a representative of the facility, during which the inspector will review the findings of the inspection. If, after leaving the facility, the inspector discovers any additional violations while reviewing field notes or preparing the official final list, an additional exit conference is required.

S.B. 344 requires that additional exit conferences to be held in person so that facility operators may become fully aware of new violations discovered after the initial visit and exit conference.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

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 142.009, Health and Safety Code, by amending Subsections (f) and (g) and adding Subsection (g-1), as follows:

(f) Requires the Texas Department of Human Services (DHS), at the conclusion of a survey or complaint investigation, to fully inform the person in charge of the home and community support services agency (agency) of the preliminary findings of the survey at an exit conference, and to leave a written list of those findings with the agency at that exit conference.

(g) Requires DHS to provide to the chief executive officer of the agency a specific and timely written notice of the official findings, rather than the preliminary findings, including certain information.

(g-1) Requires an additional exit conference to be held in person, and prohibits the conference from being held by telephone, e-mail, or facsimile transmission, if DHS or its representatives find additional violations during the review of field notes or in preparation of the official statement of deficiencies of an agency.

SECTION 2. Amends Sections 242.0445(b) and (c), Health and Safety Code, as follows:

(b) Requires an additional exit conference to be held in person, and prohibits said conference from being held by telephone, e-mail, or facsimile transmission, if DHS or its representatives find additional violations during the review of field notes or in preparation of the official final list at the conclusion of an inspection, survey, or investigation stemming from an inspection, announced or unannounced, of a convalescent or nursing home, or any related institution.

(c) Requires the convalescent or nursing home to submit a plan of correction to the regional director with supervisory authority over the inspector not later than the 10th working day after the date of the facility's receipt of the final official statement of violations, rather than the final statement of violations

SECTION 3. Amends Section 247.0271, Health and Safety Code, by amending Subsection (c) and adding Subsection (d), as follows:

(c) Makes a conforming change.

(d) Requires the assisted living facility to submit a plan of correction to the regional director with supervisory authority over the inspector not later than the 10th working day after the date of the facility's receipt of the final official statement of violations.

SECTION 4. Amends Sections 252.044(b) and (c), Health and Safety Code, as follows:

(b) Makes a conforming change.

(c) Requires the intermediate care facility for the mentally retarded to submit a plan of correction to the regional director with supervisory authority over the inspector not later than the 10th working day after the date of the facility's receipt of the final official statement of violations, rather than the final statement of violations.

SECTION 5. Effective date: September 1, 2007.

EFFECTIVE DATE

September 1, 2007.