

By: Carona, Deuell

S.B. No. 344

A BILL TO BE ENTITLED

AN ACT

relating to the additional exit conference required following inspection, survey, or investigation of certain facilities.

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

SECTION 1. Section 142.009, Health and Safety Code, is amended by amending Subsections (f) and (g) and adding Subsection (g-1) to read as follows:

(f) At the conclusion of a survey or complaint investigation, the ~~[The]~~ department shall fully inform the person who is in charge of the home and community support services agency of the preliminary findings of the survey at an exit conference and shall give the person a reasonable opportunity to submit additional facts or other information to the department's authorized representative in response to those findings. The response shall be made a part of the record of the survey for all purposes. The department's representative shall leave a written list of the preliminary findings with the agency at the exit conference.

(g) After a survey of a home and community support services agency by the department, the department shall provide to the chief executive officer of the agency:

(1) specific and timely written notice of the official ~~[preliminary]~~ findings of the survey, including:

(A) the specific nature of the survey;

(B) any alleged violations of a specific statute

1 or rule;

2 (C) the specific nature of any finding regarding
3 an alleged violation or deficiency; and

4 (D) if a deficiency is alleged, the severity of
5 the deficiency;

6 (2) information on the identity, including the
7 signature, of each department representative conducting,
8 reviewing, or approving the results of the survey and the date on
9 which the department representative acted on the matter; and

10 (3) if requested by the agency, copies of all
11 documents relating to the survey maintained by the department or
12 provided by the department to any other state or federal agency that
13 are not confidential under state law.

14 (g-1) If the department or the department's authorized
15 representative discovers any additional violations during the
16 review of field notes or preparation of the official statement of
17 deficiencies for a home and community support services agency, the
18 department or the department's representative shall conduct an
19 additional exit conference regarding the additional violations.
20 The additional exit conference must be held in person and may not be
21 held over the telephone, by e-mail, or by facsimile transmission.

22 SECTION 2. Subsections (b) and (c), Section 242.0445,
23 Health and Safety Code, are amended to read as follows:

24 (b) At the conclusion of an inspection, survey, or
25 investigation under Section 242.043 or 242.044, the department or
26 the department's representative conducting the inspection, survey,
27 or investigation shall discuss the violations with the facility's

management in an exit conference. The department or the department's representative shall leave a written list of the violations with the facility at the time of the exit conference. If the department or the department's representative discovers any additional violations during the review of field notes or preparation of the official final list, the department or the department's representative shall give the facility an additional exit conference regarding the additional violations. An additional exit conference must be held in person and may not be held by telephone, e-mail, or facsimile transmission.

(c) The facility shall submit a plan to correct the violations to the regional director not later than the 10th working day after the date the facility receives the final official statement of violations.

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

(c) If, after the initial exit conference, additional violations are cited, the inspector shall conduct an additional exit conference regarding the newly identified violations. An additional exit conference must be held in person and may not be held by telephone, e-mail, or facsimile transmission.

(d) The assisted living facility shall 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 the facility receives the final official statement of violations.

SECTION 4. Subsections (b) and (c), Section 252.044, Health

1 and Safety Code, are amended to read as follows:

2 (b) At the conclusion of an inspection, survey, or
3 investigation under this chapter, the department or the
4 department's representative conducting the inspection, survey, or
5 investigation shall discuss the violations with the facility's
6 management in an exit conference. The department or the
7 department's representative shall leave a written list of the
8 violations with the facility and the person designated by the
9 facility to receive notice under Section 252.066 at the time of the
10 exit conference. If the department or the department's
11 representative discovers any additional violations during the
12 review of field notes or preparation of the official final list, the
13 department or the department's representative shall give the
14 facility an additional exit conference regarding the additional
15 violations. An additional exit conference must be held in person
16 and may not be held by telephone, e-mail, or facsimile
17 transmission.

18 (c) The facility shall submit a plan to correct the
19 violations to the regional director not later than the 10th working
20 day after the date the facility receives the final official
21 statement of violations.

22 SECTION 5. This Act takes effect September 1, 2007.