

By: Rose

H.B. No. 3285

A BILL TO BE ENTITLED

AN ACT

relating to capital improvements and technological enhancements of nursing homes.

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

SECTION 1. Section 242.009, Health and Safety Code, is amended to read as follows:

Sec. 242.009. FEDERAL FUNDS. The department may accept and use any funds allocated by the federal government to the department for administrative expenses or to fund or support capital improvements or technological enhancements at institutions that receive reimbursement for services from state or federal funds.

SECTION 2. Section 242.037(e), Health and Safety Code, is amended to read as follows:

(e) In addition to standards or rules required by other provisions of this chapter, the board shall adopt, publish, and enforce minimum standards relating to:

(1) the construction of an institution, including plumbing, heating, lighting, ventilation, and other housing conditions, to ensure the residents' health, safety, comfort, and protection from fire hazard;

(2) the regulation of the number and qualification of all personnel, including management and nursing personnel, responsible for any part of the care given to the residents;

(3) requirements for in-service education of all

employees who have any contact with the residents;

(4) training on the care of persons with Alzheimer's disease and related disorders for employees who work with those persons;

(5) sanitary and related conditions in an institution and its surroundings, including water supply, sewage disposal, food handling, and general hygiene in order to ensure the residents' health, safety, and comfort;

(6) the nutritional needs of each resident according to good nutritional practice or the recommendations of the physician attending the resident;

(7) equipment essential to the residents' health and welfare;

(8) the use and administration of medication in conformity with applicable law and rules;

(9) care and treatment of residents and any other matter related to resident health, safety, and welfare;

(10) licensure of institutions;

(11) capital improvements to existing facilities necessary to ensure continued quality of care;

(12) technological enhancements to improve quality of care and delivery of service; and

(13) [~~(11)~~] implementation of this chapter.

SECTION 3. Section 242.403(a), Health and Safety Code, is amended to read as follows:

(a) The department shall adopt standards to implement Sections 242.401 and 242.402. Those standards must, at a minimum,

1 address:

- 2 (1) admission of residents;
- 3 (2) care of residents younger than 18 years of age;
- 4 (3) an initial assessment and comprehensive plan of
- 5 care for residents;
- 6 (4) transfer or discharge of residents;
- 7 (5) clinical records;
- 8 (6) infection control at the institution;
- 9 (7) rehabilitative services;
- 10 (8) food services;
- 11 (9) nutrition services provided by a director of food
- 12 services who is licensed by the Texas State Board of Examiners of
- 13 Dietitians or, if not so licensed, who is in scheduled consultation
- 14 with a person who is so licensed as frequently and for such time as
- 15 the department shall determine necessary to assure each resident a
- 16 diet that meets the daily nutritional and special dietary needs of
- 17 each resident;
- 18 (10) social services and activities;
- 19 (11) prevention of pressure sores;
- 20 (12) bladder and bowel retraining programs for
- 21 residents;
- 22 (13) prevention of complications from nasogastric or
- 23 gastrotomy tube feedings;
- 24 (14) relocation of residents within an institution;
- 25 (15) postmortem procedures;
- 26 (16) use of funds for capital improvements or
- 27 technological enhancements of an institution; and

1 (17) [~~(16)~~] appropriate use of chemical and physical
2 restraints.

3 SECTION 4. Section 32.028, Human Resources Code, is amended
4 by adding Subsection (q) to read as follows:

5 (q) Subject to Subsection (h) and notwithstanding any other
6 law, rules and standards governing the determination of base rates
7 paid for nursing home services must ensure that providers of those
8 services are reimbursed for capital improvements or technological
9 enhancements.

10 SECTION 5. If before implementing any provision of this Act
11 a state agency determines that a waiver or authorization from a
12 federal agency is necessary for implementation of that provision,
13 the agency affected by the provision shall request the waiver or
14 authorization and may delay implementing that provision until the
15 waiver or authorization is granted.

16 SECTION 6. This Act takes effect September 1, 2009.