

BILL ANALYSIS

Senate Research Center
82R80421 AJZ-D

H.B. 3197
By: Coleman (Deuell)
Health & Human Services
5/13/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Observers note that state supported living centers in Texas have struggled with quality of care issues over the years due to allegations of abuse and neglect and staff shortages, and they assert that long-lasting, systematic change is needed to address this issue. Interested parties report that the culture change model of care is based on person-directed values and practices with consideration and respect given to the voices of individuals and those working with them. It is reported that this model has been successfully implemented with elderly individuals in nursing homes and is also appropriate for persons with intellectual or developmental disabilities.

H.B. 3197 seeks to facilitate this change by requiring the executive commissioner of the Health and Human Services Commission to create a pilot program to implement the culture change model of care at one state supported living center.

H.B. 3197 amends current law relating to creating a pilot program to implement the culture change model of care at certain state supported living centers.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. DEFINITION. Defines, in this Act, "department."

SECTION 2. CULTURE CHANGE PILOT PROGRAM. (a) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner; HHSC) to create a pilot program to implement the culture change model of care at one state supported living center. Requires the Department of Aging and Disability Services (DADS), in implementing the pilot program, to the extent possible, to implement processes, policies, and practices designed to:

- (1) shift decision-making to the individual with the disability;
- (2) implement continuous quality improvement processes that use objective data to improve practices and services; and
- (3) improve the workforce.

(b) Requires DADS to select the state supported living center that is most representative of the state supported living center system to participate in the pilot program based on the following considerations:

- (1) the physical characteristics of the campus;
- (2) the size of the staff;
- (3) the turnover rate of the staff;

- (4) the residents' level of need and disability;
- (5) the number of confirmed abuse allegations;
- (6) the frequency of the use of restraints;
- (7) the opportunity for community involvement; and
- (8) the leadership of the center.

(c) Requires DADS to determine the size and scope of the pilot program within the selected state supported living center.

(d) Authorizes DADS to hire a consultant with a proven record of implementing the culture change process in long-term care facilities serving persons with mental and physical disabilities to assist in the implementation of the pilot program.

SECTION 3. ASSISTANCE OF TEXAS LONG TERM CARE INSTITUTE. (a) Requires DADS to enter into a memorandum of understanding with the Texas Long Term Care Institute (institute) at Texas State University for the institute to assist DADS by providing training, assessment, technical assistance, and assistance in other areas that will enable DADS to implement the culture change model of care at one state supported living center.

(b) Requires DADS, in addition to entering into the memorandum of understanding under Subsection (a), to:

- (1) include a representative of the institute in meetings with parent groups and legally authorized representatives of the residents to educate these groups about culture change and the purpose of culture change;
- (2) allow distribution of handouts or brochures relating to culture change conferences or other information that staff, volunteers, and parents can use to become more educated about culture change;
- (3) encourage or incentivize staff members of state supported living centers to attend culture change conferences or training;
- (4) coordinate with the institute to offer a limited number of scholarships to staff members of state supported living centers to attend in-state culture change conferences or training;
- (5) include links on DADS's Internet website to information about culture change and the implementation of culture change in long-term care facilities; and
- (6) include articles about culture change in DADS's electronic and print publications.

SECTION 4. REPORT. (a) Requires DADS, not later than September 1, 2012, to submit a report to the governor and LBB on the pilot program that includes:

- (1) a detailed description of the culture change process at the state supported living center;
- (2) specific examples of changes in processes, policies, and practices that have occurred or will occur at the state supported living center as a result of the implementation of the culture change model of care;
- (3) a timeline of the implementation of new policies, processes, and practices;

(4) feedback from professional and direct care staff regarding the culture change process;

(5) recommendations for future goals for implementation of the culture change model of care at other locations in the state supported living center, if appropriate, or at other state supported living centers; and

(6) the following information from the state supported living center chosen for the pilot program:

(A) the number of allegations of abuse, neglect, or exploitation, as defined by 40 T.A.C. Section 711.425, that the Department of Family and Protective Services (DFPS) determines to be unfounded, as defined by 40 T.A.C. Section 711.421;

(B) the number of allegations of abuse, neglect, or exploitation, as defined by 40 T.A.C. Section 711.425, that DFPS determines to be confirmed, as defined by 40 T.A.C. Section 711.421;

(C) the rate of staff turnover;

(D) the frequency of the use of restraints, identified by type;

(E) the number of individual resident outings and group outings;

(F) the results of the employee job satisfaction survey;

(G) the consistency of staff assignments to the same group of residents; and

(H) any other information relevant to improving the quality of care at state supported living centers.

(b) Requires DADS to file a quarterly report with LBB for each state supported living center that includes:

(1) the number of allegations of abuse, neglect, or exploitation, as defined by 40 T.A.C. Section 711.425, that DFPS determines to be unfounded, as defined by 40 T.A.C. Section 711.421; and

(2) the number of allegations of abuse, neglect, or exploitation, as defined by 40 T.A.C. Section 711.425, that DFPS determines to be confirmed, as defined by 40 T.A.C. Section 711.421.

(c) Requires DADS to input the information from the quarterly report under Subsection (b) into LBB's automated budget and evaluation system.

SECTION 5. EXPIRATION. Provides that this Act expires September 1, 2013.

SECTION 6. EFFECTIVE DATE. Effective date: upon passage or September 1, 2011.