

BILL ANALYSIS

C.S.H.B. 3197
By: Coleman
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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.

C.S.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.

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

C.S.H.B. 3197 requires 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. The bill requires the Department of Aging and Disability Services (DADS), in implementing the pilot program and to the extent possible, to implement processes, policies, and practices designed to shift decision-making to the individual with the disability; implement continuous quality improvement processes that use objective data to improve practices and services; and improve the workforce. The bill 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: the physical characteristics of the campus, the size of the staff, the turnover rate of the staff, the residents' level of need and disability, the number of confirmed abuse allegations, the frequency of the use of restraints, the opportunity for community involvement, and the leadership of the center. The bill requires DADS to determine the size and scope of the pilot program within the selected state supported living center. The bill 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.

C.S.H.B. 3197 requires DADS to enter into a memorandum of understanding with the Texas Long Term Care 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. The bill requires DADS, in addition to entering into the memorandum of understanding, to perform specified duties relating to culture change education and training and the distribution of information relating to the implementation of culture change in long-term care facilities.

C.S.H.B. 3197 requires DADS, not later than September 1, 2012, to submit a report to the governor and the Legislative Budget Board on the pilot program that includes specified information and recommendations and any other information relevant to improving the quality of care at state supported living centers.

C.S.H.B. 3197 requires DADS to file a quarterly report with the Legislative Budget Board for each state supported living center that includes the number of allegations of abuse, neglect, or exploitation that the Department of Family and Protective Services (DFPS) determines to be unfounded and the number of allegations of abuse, neglect, or exploitation that DFPS determines to be confirmed. The bill requires DADS to input the information from the quarterly report into the Legislative Budget Board's automated budget and evaluation system. The bill establishes that its provisions expire September 1, 2013. The bill defines "department."

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3197 differs from the original by requiring the executive commissioner of the Health and Human Services Commission, in implementing the pilot program and to the extent possible, to implement processes, policies, and practices designed to implement continuous quality improvement processes that use objective data to improve practices and services, whereas the original requires the executive commissioner of the Health and Human Services Commission to implement processes, policies, and practices designed to improve the quality of care.

C.S.H.B. 3197 differs from the original by requiring the Department of Aging and Disability Services (DADS), rather than the executive commissioner of the Health and Human Services Commission, as in the original, 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 certain specified considerations. The substitute contains a provision not included in the original requiring DADS to determine the size and scope of the pilot program within the selected state supported living center.

C.S.H.B. 3197 contains a provision not included in the original requiring DADS to enter into a memorandum of understanding with the Texas Long Term Care 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. The substitute contains a provision not included in the original establishing additional requirements for DADS relating to culture change education and training and the distribution of information relating to the implementation of culture change in long-term care facilities.

C.S.H.B. 3197 differs from the original by requiring DADS to submit a report to the governor and the Legislative Budget Board on the pilot program not later than September 1, 2012, rather than May 1, 2012, as in the original.

C.S.H.B. 3197 differs from the original, in a bill provision setting out the contents of the report on the pilot program required to be submitted by DADS to the governor and the Legislative Budget Board, by requiring the report to include 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, whereas the original limits such recommendations for future goals for implementation of the culture change model of care to other state supported living centers.

C.S.H.B. 3197 differs from the original, in bill provisions requiring the report on the pilot program required to be submitted by DADS to the governor and the Legislative Budget Board and the quarterly report required to be filed by DADS with the Legislative Budget Board for each state supported living center to include numbers of allegations of abuse, neglect, or exploitation determined to be unfounded or confirmed, by specifying that such allegations are those determined to be unfounded or confirmed by the Department of Family and Protective Services, rather than DADS, as in the original.