

By: Coleman

H.B. No. 3197

Substitute the following for H.B. No. 3197:

By: Naishtat

C.S.H.B. No. 3197

A BILL TO BE ENTITLED

1

AN ACT

2 relating to creating a pilot program to implement the culture
3 change model of care at certain state supported living centers.

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

5 SECTION 1. DEFINITION. In this Act, "department" means the
6 Department of Aging and Disability Services.

7 SECTION 2. CULTURE CHANGE PILOT PROGRAM. (a) The executive
8 commissioner of the Health and Human Services Commission shall
9 create a pilot program to implement the culture change model of care
10 at one state supported living center. In implementing the pilot
11 program, the department shall, to the extent possible, implement
12 processes, policies, and practices designed to:

13 (1) shift decision-making to the individual with the
14 disability;

15 (2) implement continuous quality improvement
16 processes that use objective data to improve practices and
17 services; and

18 (3) improve the workforce.

19 (b) The department shall select the state supported living
20 center that is most representative of the state supported living
21 center system to participate in the pilot program based on the
22 following considerations:

23 (1) the physical characteristics of the campus;

24 (2) the size of the staff;

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

7 (c) The department shall determine the size and scope of the
8 pilot program within the selected state supported living center.

9 (d) The department may hire a consultant with a proven
10 record of implementing the culture change process in long-term care
11 facilities serving persons with mental and physical disabilities to
12 assist in the implementation of the pilot program.

13 SECTION 3. ASSISTANCE OF TEXAS LONG TERM CARE INSTITUTE.

14 (a) The department shall enter into a memorandum of understanding
15 with the Texas Long Term Care Institute at Texas State University
16 for the institute to assist the department by providing training,
17 assessment, technical assistance, and assistance in other areas
18 that will enable the department to implement the culture change
19 model of care at one state supported living center.

20 (b) In addition to entering into the memorandum of
21 understanding under Subsection (a), the department shall:

22 (1) include a representative of the institute in
23 meetings with parent groups and legally authorized representatives
24 of the residents to educate these groups about culture change and
25 the purpose of culture change;

26 (2) allow distribution of handouts or brochures
27 relating to culture change conferences or other information that

1 staff, volunteers, and parents can use to become more educated
2 about culture change;

3 (3) encourage or incentivize staff members of state
4 supported living centers to attend culture change conferences or
5 training;

6 (4) coordinate with the institute to offer a limited
7 number of scholarships to staff members of state supported living
8 centers to attend in-state culture change conferences or training;

9 (5) include links on the department's Internet website
10 to information about culture change and the implementation of
11 culture change in long-term care facilities; and

12 (6) include articles about culture change in the
13 department's electronic and print publications.

14 SECTION 4. REPORT. (a) Not later than September 1, 2012,
15 the department shall submit a report to the governor and the
16 Legislative Budget Board on the pilot program that includes:

17 (1) a detailed description of the culture change
18 process at the state supported living center;

19 (2) specific examples of changes in processes,
20 policies, and practices that have occurred or will occur at the
21 state supported living center as a result of the implementation of
22 the culture change model of care;

23 (3) a timeline of the implementation of new policies,
24 processes, and practices;

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

27 (5) recommendations for future goals for

1 implementation of the culture change model of care at other
2 locations in the state supported living center, if appropriate, or
3 at other state supported living centers; and

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

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

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

14 (C) the rate of staff turnover;

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

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

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

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

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

25 (b) The department shall file a quarterly report with the
26 Legislative Budget Board for each state supported living center
27 that includes:

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

5 (2) the number of allegations of abuse, neglect, or
6 exploitation, as defined by 40 T.A.C. Section 711.425, that the
7 Department of Family and Protective Services determines to be
8 confirmed, as defined by 40 T.A.C. Section 711.421.

9 (c) The department shall input the information from the
10 quarterly report under Subsection (b) into the Legislative Budget
11 Board's automated budget and evaluation system.

12 SECTION 5. EXPIRATION. This Act expires September 1, 2013.

13 SECTION 6. EFFECTIVE DATE. This Act takes effect
14 immediately if it receives a vote of two-thirds of all the members
15 elected to each house, as provided by Section 39, Article III, Texas
16 Constitution. If this Act does not receive the vote necessary for
17 immediate effect, this Act takes effect September 1, 2011.