

1-1 By: Coleman (Senate Sponsor - Deuell) H.B. No. 3197
1-2 (In the Senate - Received from the House May 6, 2011;
1-3 May 9, 2011, read first time and referred to Committee on Health
1-4 and Human Services; May 20, 2011, reported favorably by the
1-5 following vote: Yeas 7, Nays 0; May 20, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to creating a pilot program to implement the culture
1-9 change model of care at certain state supported living centers.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. DEFINITION. In this Act, "department" means the
1-12 Department of Aging and Disability Services.

1-13 SECTION 2. CULTURE CHANGE PILOT PROGRAM. (a) The
1-14 executive commissioner of the Health and Human Services Commission
1-15 shall create a pilot program to implement the culture change model
1-16 of care at one state supported living center. In implementing the
1-17 pilot program, the department shall, to the extent possible,
1-18 implement processes, policies, and practices designed to:

1-19 (1) shift decision-making to the individual with the
1-20 disability;

1-21 (2) implement continuous quality improvement
1-22 processes that use objective data to improve practices and
1-23 services; and

1-24 (3) improve the workforce.

1-25 (b) The department shall select the state supported living
1-26 center that is most representative of the state supported living
1-27 center system to participate in the pilot program based on the
1-28 following considerations:

1-29 (1) the physical characteristics of the campus;

1-30 (2) the size of the staff;

1-31 (3) the turnover rate of the staff;

1-32 (4) the residents' level of need and disability;

1-33 (5) the number of confirmed abuse allegations;

1-34 (6) the frequency of the use of restraints;

1-35 (7) the opportunity for community involvement; and

1-36 (8) the leadership of the center.

1-37 (c) The department shall determine the size and scope of the
1-38 pilot program within the selected state supported living center.

1-39 (d) The department may hire a consultant with a proven
1-40 record of implementing the culture change process in long-term care
1-41 facilities serving persons with mental and physical disabilities to
1-42 assist in the implementation of the pilot program.

1-43 SECTION 3. ASSISTANCE OF TEXAS LONG TERM CARE INSTITUTE.

1-44 (a) The department shall enter into a memorandum of understanding
1-45 with the Texas Long Term Care Institute at Texas State University
1-46 for the institute to assist the department by providing training,
1-47 assessment, technical assistance, and assistance in other areas
1-48 that will enable the department to implement the culture change
1-49 model of care at one state supported living center.

1-50 (b) In addition to entering into the memorandum of
1-51 understanding under Subsection (a), the department shall:

1-52 (1) include a representative of the institute in
1-53 meetings with parent groups and legally authorized representatives
1-54 of the residents to educate these groups about culture change and
1-55 the purpose of culture change;

1-56 (2) allow distribution of handouts or brochures
1-57 relating to culture change conferences or other information that
1-58 staff, volunteers, and parents can use to become more educated
1-59 about culture change;

1-60 (3) encourage or incentivize staff members of state
1-61 supported living centers to attend culture change conferences or
1-62 training;

1-63 (4) coordinate with the institute to offer a limited
1-64 number of scholarships to staff members of state supported living

2-1 centers to attend in-state culture change conferences or training;
2-2 (5) include links on the department's Internet website
2-3 to information about culture change and the implementation of
2-4 culture change in long-term care facilities; and

2-5 (6) include articles about culture change in the
2-6 department's electronic and print publications.

2-7 SECTION 4. REPORT. (a) Not later than September 1, 2012,
2-8 the department shall submit a report to the governor and the
2-9 Legislative Budget Board on the pilot program that includes:

2-10 (1) a detailed description of the culture change
2-11 process at the state supported living center;

2-12 (2) specific examples of changes in processes,
2-13 policies, and practices that have occurred or will occur at the
2-14 state supported living center as a result of the implementation of
2-15 the culture change model of care;

2-16 (3) a timeline of the implementation of new policies,
2-17 processes, and practices;

2-18 (4) feedback from professional and direct care staff
2-19 regarding the culture change process;

2-20 (5) recommendations for future goals for
2-21 implementation of the culture change model of care at other
2-22 locations in the state supported living center, if appropriate, or
2-23 at other state supported living centers; and

2-24 (6) the following information from the state supported
2-25 living center chosen for the pilot program:

2-26 (A) the number of allegations of abuse, neglect,
2-27 or exploitation, as defined by 40 T.A.C. Section 711.425, that the
2-28 Department of Family and Protective Services determines to be
2-29 unfounded, as defined by 40 T.A.C. Section 711.421;

2-30 (B) the number of allegations of abuse, neglect,
2-31 or exploitation, as defined by 40 T.A.C. Section 711.425, that the
2-32 Department of Family and Protective Services determines to be
2-33 confirmed, as defined by 40 T.A.C. Section 711.421;

2-34 (C) the rate of staff turnover;

2-35 (D) the frequency of the use of restraints,
2-36 identified by type;

2-37 (E) the number of individual resident outings and
2-38 group outings;

2-39 (F) the results of the employee job satisfaction
2-40 survey;

2-41 (G) the consistency of staff assignments to the
2-42 same group of residents; and

2-43 (H) any other information relevant to improving
2-44 the quality of care at state supported living centers.

2-45 (b) The department shall file a quarterly report with the
2-46 Legislative Budget Board for each state supported living center
2-47 that includes:

2-48 (1) the number of allegations of abuse, neglect, or
2-49 exploitation, as defined by 40 T.A.C. Section 711.425, that the
2-50 Department of Family and Protective Services determines to be
2-51 unfounded, as defined by 40 T.A.C. Section 711.421; and

2-52 (2) the number of allegations of abuse, neglect, or
2-53 exploitation, as defined by 40 T.A.C. Section 711.425, that the
2-54 Department of Family and Protective Services determines to be
2-55 confirmed, as defined by 40 T.A.C. Section 711.421.

2-56 (c) The department shall input the information from the
2-57 quarterly report under Subsection (b) into the Legislative Budget
2-58 Board's automated budget and evaluation system.

2-59 SECTION 5. EXPIRATION. This Act expires September 1, 2013.

2-60 SECTION 6. EFFECTIVE DATE. This Act takes effect
2-61 immediately if it receives a vote of two-thirds of all the members
2-62 elected to each house, as provided by Section 39, Article III, Texas
2-63 Constitution. If this Act does not receive the vote necessary for
2-64 immediate effect, this Act takes effect September 1, 2011.

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