

BILL ANALYSIS

C.S.H.B. 1971
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Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The need for assisted living continues to grow as more people seek an independent living residence. Recently enacted legislation allows an assisted living facility to obtain a third-party accreditation in lieu of an inspection by the state if the accreditation meets certain minimum standards and conditions. Two organizations, the Commission on Accreditation of Rehabilitation Facilities (CARF) and The Joint Commission, formerly known as the Joint Commission on Accreditation of Healthcare Organizations, were identified as nationally recognized accreditation organizations with the standards and conditions that could potentially accommodate such third-party accreditation. The legislature later added provisions that allowed the approval of other organizations who could meet the statutory requirements.

As state resources become scarce and the demand for new facilities grows, there is a concern that, because The Joint Commission no longer participates in assisted living accreditation, the ability to conduct timely accreditation of new facilities has become more difficult. To find a solution, assisted living facility owners reached out to the Department of Aging and Disability Services (DADS) to find alternatives that would protect the safety of residents while allowing the timely opening of new facilities. The Texas Assisted Living Association has been working with DADS to determine if a CARF accreditation process could work in Texas. Industry experts assert that the practice seems to have potential and that assisted living facility owners are willing to pay the fees associated with CARF accreditation and to work with DADS to establish an accreditation pilot program. Interested parties contend that such an accreditation process would protect the safety of assisted living residents and could have the added benefit of potentially freeing additional resources for DADS in its efforts to strengthen other areas of long term care regulation.

C.S.H.B. 1971 seeks to address the needs of elderly Texans and achieve growth and modernization of assisted living in Texas by providing for the development of a pilot program to authorize certain accreditation surveys of assisted living facilities.

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. 1971 amends the Health and Safety Code to add temporary provisions, set to expire September 1, 2015, to authorize the Department of Aging and Disability Services (DADS) to develop and implement a pilot program to authorize the use of an accreditation survey from an accreditation commission to fulfill the requirements for a life and safety code survey or inspection or another survey or inspection required by provisions of the Assisted Living Facility Licensing Act relating to licensing, fees, and inspections. The bill authorizes DADS, if DADS implements the pilot program, to implement it with the goal that, not later than August 31, 2014, at least one assisted living facility will have used an accreditation survey for the purposes of the

pilot program. The bill requires the accreditation commission's standards to meet or exceed the assisted living facility licensing requirements established by the executive commissioner of the Health and Human Services Commission.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1971 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter B, Chapter 247, Health and Safety Code, is amended by adding Section 247.033 to read as follows:

Sec. 247.033. ACCREDITATION SURVEY PILOT PROGRAM. (a) The department shall develop and implement a pilot program to authorize the use of an accreditation survey that complies with Section 247.032(b) to fulfill the requirements for a life and safety code survey or inspection or another survey or inspection required by this subchapter. The department shall implement the pilot program with the goal that not later than August 31, 2014, at least one assisted living facility will have used an accreditation survey for the purposes of this section.

(b) This section expires September 1, 2015.

SECTION 2. As soon as practicable after the effective date of this Act, the Department of Aging and Disability Services shall implement the pilot program described by Section 247.033, Health and Safety Code, as added by this Act.

SECTION 3. This Act takes effect September 1, 2013.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter B, Chapter 247, Health and Safety Code, is amended by adding Section 247.033 to read as follows:

Sec. 247.033. ACCREDITATION SURVEY PILOT PROGRAM. (a) The department may develop and implement a pilot program to authorize the use of an accreditation survey that complies with Section 247.032(b) to fulfill the requirements for a life and safety code survey or inspection or another survey or inspection required by this subchapter. If the department implements the pilot program, the department may implement the pilot program with the goal that not later than August 31, 2014, at least one assisted living facility will have used an accreditation survey for the purposes of this section. The accreditation commission's standards must meet or exceed the assisted living facility licensing requirements established by the executive commissioner of the Health and Human Services Commission as required by Section 247.032(b)(1).

(b) This section expires September 1, 2015.

No equivalent provision.

SECTION 2. Same as introduced version.