

By: Price

H.B. No. 3196

Substitute the following for H.B. No. 3196:

By: Raymond

C.S.H.B. No. 3196

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to licensing and certification requirements for certain  
3 health facilities and to the allocation of Medicaid beds in certain  
4 of those facilities; increasing fees.

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

6 SECTION 1. Section 242.034(a), Health and Safety Code, is  
7 amended to read as follows:

8 (a) The board may establish by rule license fees for  
9 institutions licensed by the department under this chapter. The  
10 license fee may not exceed \$375 [~~\$250~~] plus:

11 (1) \$15 [~~\$10~~] for each unit of capacity or bed space  
12 for which a license is sought; and

13 (2) a background examination fee imposed under  
14 Subsection (d).

15 SECTION 2. Section 242.040, Health and Safety Code, is  
16 amended by amending Subsection (c) and adding Subsection (f) to  
17 read as follows:

18 (c) The board by rule may adopt standards for the  
19 specialized care and treatment of persons with Alzheimer's disease  
20 and related disorders and provide procedures for institutions  
21 applying for certification under this section. The rules must  
22 provide for a three-year certification period [~~annual~~  
23 ~~certification~~].

24 (f) The executive commissioner by rule shall adopt a system

1 under which an appropriate number of certifications issued by the  
2 department expire on staggered dates occurring in each three-year  
3 period. If the expiration date of a certification changes as a  
4 result of this subsection, the department shall prorate the  
5 certification fee relating to that certification as appropriate.

6 SECTION 3. Section 32.0213, Human Resources Code, is  
7 amended by adding Subsections (d) and (e) to read as follows:

8 (d) The department by rule may require an applicant for  
9 Medicaid beds in a nursing facility that is to be constructed to  
10 provide a performance bond payable to the department in the amount  
11 of \$500,000 conditioned on the applicant obtaining certification of  
12 the Medicaid beds granted to the applicant within the time frame  
13 required by the department. The performance bond must:

14 (1) be executed by a corporate entity in accordance  
15 with Subchapter A, Chapter 3503, Insurance Code;

16 (2) be in a form approved by the department; and

17 (3) clearly and prominently display on the face of the  
18 bond or on an attachment to the bond:

19 (A) the name, mailing address, physical address,  
20 and telephone number, including the area code, of the surety  
21 company to which any notice of claim should be sent; or

22 (B) the toll-free telephone number maintained by  
23 the Texas Department of Insurance under Subchapter B, Chapter 521,  
24 Insurance Code, and a statement that the address of the surety  
25 company to which any notice of claim should be sent may be obtained  
26 from the Texas Department of Insurance by calling the toll-free  
27 telephone number.

1       (e) The department may not require an applicant for Medicaid  
2 beds in a nursing facility that is to be constructed to obtain a  
3 performance bond from a specific insurance or surety agency, agent,  
4 or broker.

5       SECTION 4. (a) Section 242.034(a), Health and Safety Code,  
6 as amended by this Act, applies only to a license application,  
7 including a renewal application, filed on or after the effective  
8 date of this Act. A license application, including a renewal  
9 application, filed before that date is governed by the law in effect  
10 on the date the application was filed, and the former law is  
11 continued in effect for that purpose.

12       (b) Sections 32.0213(d) and (e), Human Resources Code, as  
13 added by this Act, apply only to an application filed on or after  
14 the effective date of this Act for Medicaid beds in a nursing  
15 facility that is to be constructed. An application filed before  
16 that date is governed by the law in effect on the date the  
17 application was filed, and the former law is continued in effect for  
18 that purpose.

19       SECTION 5. This Act takes effect September 1, 2013.