

## **BILL ANALYSIS**

Senate Research Center  
84R11228 LED-F

S.B. 914  
By: Kolkhorst  
Health & Human Services  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Long-term care facility regulations are outdated, overly cumbersome, and inconsistently enforced. The regulatory system is not designed to accurately assess and evaluate the modern nursing home environment. Many facility operators feel that the Department of Aging and Disability Services (DADS) survey and informal dispute resolution process does not adequately assess whether a facility is providing proper care to its residents. Additionally, the inconsistent survey process results in a system where a violation in one part of the state may not be considered a violation in another.

The legislature should create a special council to conduct an overview of the state of the industry with suggestions to modernize regulations and survey processes. The council should be appointed by the executive commissioner of the Health and Human Services Commission and should contain representatives of both operators and regulators. Members should include DADS program managers, surveyors, informal dispute resolution team leaders and reviewers, and members of enforcement teams from different DADS service regions. Additionally, the council should include owners or vice-presidents of long-term care facility companies as well as administrators and nurses. By allowing people from the public and private sectors to convene and discuss how to properly amend the DADS regulatory process, the council will help to provide valuable recommendations on how to properly regulate and inspect these facilities.

As proposed, S.B. 914 amends current law relating to a council on long-term care facility surveys and informal dispute resolution.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. DEFINITIONS. Defines, in this Act, "council," "executive commissioner," and "long-term care facility."

SECTION 2. COUNCIL ESTABLISHED; MEMBERSHIP; OFFICERS.

(a) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) to, not later than December 1, 2015, establish a Long-Term Care Facility Survey and Informal Dispute Resolution Council (council). Provides that the council is composed of the following members appointed by the executive commissioner:

- (1) two program managers from different Department of Aging and Disability Services regions;
- (2) one surveyor who has attained at least the level of investigator IV;
- (3) two members of an enforcement team from different Department of Aging and Disability Services regions;

(4) three surveyors, each from a different Department of Aging and Disability Services region, at least one of whom must have a background in nursing, at least one of whom must have a background in social work, and at least one of whom must have a background in the provision of pharmacy services;

(5) one informal dispute resolution team leader;

(6) one informal dispute resolution reviewer;

(7) two owners or regional vice presidents of operation who oversee multiple long-term care facilities;

(8) two regional quality assurance nurses who oversee multiple long-term care facilities;

(9) two active long-term care facility administrators; and

(10) two active long-term care facility directors of nursing.

(b) Requires the executive commissioner to designate a member of the council to serve as presiding officer. Requires the members of the council to elect any other necessary officers.

(c) Provides that a member of the council serves at the will of the executive commissioner.

SECTION 3. MEETINGS. Requires the council to meet at the call of the executive commissioner.

SECTION 4. REIMBURSEMENT OR COMPENSATION NOT AUTHORIZED. Provides that a member of the council is not entitled to reimbursement of expenses or to compensation for service on the council.

SECTION 5. GIFTS OR GRANTS. Authorizes the council to accept gifts and grants from any source to be used to carry out a function of the council.

SECTION 6. DUTIES OF COUNCIL. (a) Requires the council to study and make recommendations regarding a consistent survey and informal dispute resolution process for long-term care facilities.

(b) Requires the council to study and make recommendations regarding best practices and protocols to make survey, inspection, and informal dispute resolution processes more efficient and less burdensome on long-term care facilities, and recommend uniform standards for those processes.

SECTION 7. REPORT. Requires the council, not later than January 1, 2017, to submit a report on the council's findings and recommendations required by this Act to the executive commissioner, the governor, the lieutenant governor, the speaker of the house of representatives, and the chairs of the appropriate legislative committees.

SECTION 8. APPLICATION OF CERTAIN LAW. Provides that Chapter 2110 (State Agency Advisory Committees), Government Code, does not apply to the council.

SECTION 9. EXPIRATION. Provides that this Act expires June 1, 2017.

SECTION 10. Effective date: September 1, 2015.