

AN ACT

relating to disclosures by nursing facilities and assisted living facilities regarding certification or classification to provide specialized care, treatment, or personal care services to residents with Alzheimer's disease or related disorders and the authority of the executive commissioner of the Health and Human Services Commission to adopt rules defining those conditions; adding requirements for an occupational license.

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

SECTION 1. Section 242.040, Health and Safety Code, is amended by adding Subsection (g) to read as follows:

(g) The executive commissioner by rule shall adopt a definition of "Alzheimer's disease and related disorders," and may adopt by reference a definition published in a generally accepted clinical resource for medical professionals. The executive commissioner shall modify the definition as necessary to conform to changes in medical practice.

SECTION 2. Section 242.202(d), Health and Safety Code, is amended to read as follows:

(d) The disclosure statement must contain the following categories of information:

- (1) the institution's philosophy of care;
- (2) whether the institution is certified under Section 242.040 for the provision of specialized care and treatment of

1 residents with Alzheimer's disease and related disorders;

2 (3) the preadmission, admission, and discharge
3 process;

4 (4) [~~(3)~~] resident assessment, care planning, and
5 implementation of the care plan;

6 (5) [~~(4)~~] staffing patterns, such as
7 resident-to-staff ratios, and staff training;

8 (6) [~~(5)~~] the physical environment of the
9 institution;

10 (7) [~~(6)~~] resident activities;

11 (8) [~~(7)~~] program costs;

12 (9) [~~(8)~~] systems for evaluation of the institution's
13 programs for residents;

14 (10) [~~(9)~~] family involvement in resident care; and

15 (11) [~~(10)~~] the toll-free telephone number maintained
16 by the department for acceptance of complaints against the
17 institution.

18 SECTION 3. Section [247.026](#), Health and Safety Code, is
19 amended by adding Subsection (c-1) to read as follows:

20 (c-1) The executive commissioner shall require each
21 assisted living facility to include in the facility's consumer
22 disclosure statement whether the facility holds a license
23 classified under Section [247.029](#) for the provision of personal care
24 services to residents with Alzheimer's disease or related
25 disorders.

26 SECTION 4. Section [247.029](#), Health and Safety Code, is
27 amended by adding Subsection (d) to read as follows:

1 (d) The executive commissioner by rule shall adopt a
2 definition of "Alzheimer's disease and related disorders," and may
3 adopt by reference a definition published in a generally accepted
4 clinical resource for medical professionals. The executive
5 commissioner shall modify the definition as necessary to conform to
6 changes in medical practice.

7 SECTION 5. The executive commissioner of the Health and
8 Human Services Commission, as soon as practicable after the
9 effective date of this Act, shall adopt any necessary rules
10 prescribing the form of the disclosures under Sections 242.202 and
11 247.026, Health and Safety Code, as amended by this Act, and rules
12 prescribing definitions under Sections 242.040 and 247.029, Health
13 and Safety Code, as amended by this Act.

14 SECTION 6. The changes in law made by Sections 242.202 and
15 247.026, Health and Safety Code, as amended by this Act, apply only
16 to disclosures provided on or after January 1, 2016.

17 SECTION 7. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I certify that H.B. No. 2588 was passed by the House on May 5, 2015, by the following vote: Yeas 142, Nays 3, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2588 on May 28, 2015, by the following vote: Yeas 129, Nays 11, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2588 was passed by the Senate, with amendments, on May 26, 2015, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor