

By: Schwertner

S.B. No. 553

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the informal dispute resolution process for certain  
3 disputes between the Department of Aging and Disability Services  
4 and certain long-term care facilities.

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

6 SECTION 1. Section 531.058, Government Code, is amended by  
7 adding Subsection (a-1) to read as follows:

8 (a-1) As part of the informal dispute resolution process  
9 established under this section, the commission shall contract with  
10 an appropriate disinterested person who is a private nonprofit  
11 organization to adjudicate disputes between an institution or  
12 facility licensed under Chapter 242, Health and Safety Code, and  
13 the Department of Aging and Disability Services concerning a  
14 statement of violations prepared by the department in connection  
15 with a survey conducted by the department of the institution or  
16 facility. Section 2009.053 does not apply to the selection of an  
17 appropriate disinterested person under this subsection. The person  
18 with whom the commission contracts shall adjudicate all disputes  
19 described by this subsection.

20 SECTION 2. (a) As soon as possible after the effective date  
21 of this Act, the Department of Aging and Disability Services or the  
22 Health and Human Services Commission, as appropriate, shall apply  
23 for any waiver or other authorization from a federal agency that is  
24 necessary to implement this Act. The department and commission may

1 delay implementing this Act until the waiver or authorization is  
2 granted.

3 (b) As soon as practicable after the effective date of this  
4 Act:

5 (1) the executive commissioner of the Health and Human  
6 Services Commission shall adopt the rules necessary to implement  
7 Section 531.058(a-1), Government Code, as added by this Act; and

8 (2) the Department of Aging and Disability Services  
9 and the Health and Human Services Commission shall, as appropriate,  
10 revise or enter into a memorandum of understanding as required by a  
11 federal agency that is necessary to implement Section 531.058(a-1),  
12 Government Code, as added by this Act.

13 SECTION 3. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2015.