

SENATE AMENDMENTS

2nd Printing

By: Naishtat, Guillen

H.B. No. 2588

A BILL TO BE ENTITLED

1 AN ACT

2 relating to disclosures by nursing facilities and assisted living
3 facilities regarding certification or classification to provide
4 specialized care, treatment, or personal care services to residents
5 with Alzheimer's disease or related disorders; adding requirements
6 for an occupational license.

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

8 SECTION 1. Section 242.202(d), Health and Safety Code, is
9 amended to read as follows:

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

12 (1) the institution's philosophy of care;

13 (2) whether the institution is certified under Section
14 242.040 for the provision of specialized care and treatment of
15 residents with Alzheimer's disease and related disorders;

16 (3) the preadmission, admission, and discharge
17 process;

18 (4) [~~3~~] resident assessment, care planning, and
19 implementation of the care plan;

20 (5) [~~4~~] staffing patterns, such as
21 resident-to-staff ratios, and staff training;

22 (6) [~~5~~] the physical environment of the
23 institution;

24 (7) [~~6~~] resident activities;

1 (8) [~~(7)~~] program costs;
2 (9) [~~(8)~~] systems for evaluation of the institution's
3 programs for residents;
4 (10) [~~(9)~~] family involvement in resident care; and
5 (11) [~~(10)~~] the toll-free telephone number maintained
6 by the department for acceptance of complaints against the
7 institution.

8 SECTION 2. Section 247.026, Health and Safety Code, is
9 amended by adding Subsection (c-1) to read as follows:

10 (c-1) The executive commissioner shall require each
11 assisted living facility to include in the facility's consumer
12 disclosure statement whether the facility holds a license
13 classified under Section 247.029 for the provision of personal care
14 services to residents with Alzheimer's disease or related
15 disorders.

16 SECTION 3. The executive commissioner of the Health and
17 Human Services Commission, as soon as practicable after the
18 effective date of this Act, shall adopt any necessary rules
19 prescribing the form of the disclosures under Sections 242.202 and
20 247.026, Health and Safety Code, as amended by this Act.

21 SECTION 4. The change in law made by this Act applies to
22 disclosures provided on or after January 1, 2016.

23 SECTION 5. This Act takes effect September 1, 2015.

ADOPTED

MAY 26 2015

Atty. Gen.
Secretary of the Senate

By: *Taffernin*

H.B. No. 2588

Substitute the following for H.B. No. 2588:

By: *Taffernin*

C.S. H.B. No. 2588

A BILL TO BE ENTITLED

1

AN ACT

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

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

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

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

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

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

22 (1) the institution's philosophy of care;

23 (2) whether the institution is certified under Section
24 242.040 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.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 27, 2015

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2588 by Naishtat (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.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code to require certain facilities to disclose if they are certified or licensed to provide specialized services to residents with Alzheimer's disease and related disorders. The bill would require that the executive commissioner of the Health and Human Services Commission (HHSC) adopt by rule a definition of "Alzheimer's disease and related disorders" and modify the definition as necessary. The Department of Aging and Disability Services and HHSC indicate that costs associated with the bill could be absorbed within existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 539 Aging and Disability Services, Department of

LBB Staff: UP, SD, ADe, NB, VJC

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 20, 2015

TO: Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2588 by Naishtat (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.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code to require certain facilities to disclose if they are certified or licensed to provide specialized services to residents with Alzheimer's disease and related disorders. The bill would require that the executive commissioner of the Health and Human Services Commission (HHSC) adopt by rule a definition of "Alzheimer's disease and related disorders" and modify the definition as necessary. The Department of Aging and Disability Services and HHSC indicate that costs associated with the bill could be absorbed within existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 539 Aging and Disability Services, Department of

LBB Staff: UP, ADe, NB, VJC

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 14, 2015

TO: Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2588 by Naishtat (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; adding requirements for an occupational license.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code to require certain facilities to disclose if they are certified or licensed to provide specialized services to residents with Alzheimer's disease or related disorders. The Department of Aging and Disability Services and the Health and Human Services Commission indicate that costs associated with the bill could be absorbed within existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 539 Aging and Disability Services, Department of

LBB Staff: UP, ADe, NB, VJC

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 22, 2015

TO: Honorable Richard Peña Raymond, Chair, House Committee on Human Services

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2588 by Naishtat (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; adding requirements for an occupational license.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code to require certain facilities to disclose if they are certified or licensed to provide specialized services to residents with Alzheimer's disease or related disorders. The Department of Aging and Disability Services and the Health and Human Services Commission indicate that costs associated with the bill could be absorbed within existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 539 Aging and Disability Services, Department of

LBB Staff: UP, ADe, NB, VJC

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 17, 2015

TO: Honorable Richard Peña Raymond, Chair, House Committee on Human Services

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2588 by Naishtat (Relating to disclosures by nursing homes 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; adding requirements for an occupational license.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code to require certain facilities to disclose if they are certified or licensed to provide specialized services to residents with Alzheimer's disease or related disorders. The Department of Aging and Disability Services and the Health and Human Services Commission indicate that costs associated with the bill could be absorbed within existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 539 Aging and Disability Services, Department of

LBB Staff: UP, NB, ADe, VJC