

BILL ANALYSIS

C.S.H.B. 2520
By: Perez
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties observe that a certification process exists for certain nursing facilities for the provision of specialized care and treatment of residents with Alzheimer's disease and related disorders and contend that the certification allows a facility to advertise to consumers that the facility is a certified Alzheimer's care facility. The parties further contend that certain facilities market themselves as "memory care certified," which is a term that is not recognized by the state and does not have particular significance with regard to known national or industry standards. C.S.H.B. 2520 seeks to address this issue by requiring certain nursing facilities to inform residents and potential residents whether the facility is certified or is not certified to provide care for persons with Alzheimer's disease and related disorders.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2520 amends the Health and Safety Code to require a nursing facility to prepare a written notice disclosing whether the facility is certified or is not certified for the provision of specialized care and treatment of residents with Alzheimer's disease and related disorders. The bill requires the nursing facility to provide the notice to each resident of the facility, each person applying for services from the facility or the person's next of kin or guardian, and any person requesting the information and requires the nursing facility to keep a record of each person to whom the notice is given. The bill requires each institution subject to statutory provisions relating to convalescent and nursing facilities and related institutions to prominently and conspicuously post that written notice for display in a public area of the institution that is readily available to residents, employees, and visitors. The bill removes the requirement that the disclosure statement of an institution that advertises, markets, or otherwise promotes that the institution provides services to residents with Alzheimer's disease and related disorders contain information regarding whether the institution is certified for the provision of specialized care and treatment of such residents. The bill requires the executive commissioner of the Health and Human Services Commission to adopt rules to implement the bill's provisions.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2520 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter B, Chapter 242, Health and Safety Code, is amended by adding Section 242.0405 to read as follows:

Sec. 242.0405. NOTICE OF ALZHEIMER'S DISEASE AND RELATED DISORDERS

CERTIFICATION. (a) A nursing facility shall prepare a written notice disclosing whether the facility is certified under Section 242.040 for the provision of specialized care and treatment of residents with Alzheimer's disease and related disorders.

(b) The nursing facility shall provide the notice described by Subsection (a) to:

(1) each resident of the facility;

(2) each person applying for services from the facility or the person's next of kin or guardian; and

(3) any person requesting the information.

(c) A nursing facility shall keep a record of each person to whom notice is provided under Subsection (b).

SECTION 2. Section 242.042, Health and Safety Code, is amended.

SECTION 3. Section 242.202(d), Health and Safety Code, is amended.

SECTION 4. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt rules to implement the changes in law made by this Act.

SECTION 5. This Act takes effect September 1, 2017.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter B, Chapter 242, Health and Safety Code, is amended by adding Section 242.0405 to read as follows:

Sec. 242.0405. NOTICE OF ALZHEIMER'S DISEASE AND RELATED DISORDERS

CERTIFICATION. (a) A nursing facility shall prepare a written notice disclosing whether the facility is certified or is not certified under Section 242.040 for the provision of specialized care and treatment of residents with Alzheimer's disease and related disorders.

(b) The nursing facility shall provide the notice described by Subsection (a) to:

(1) each resident of the facility;

(2) each person applying for services from the facility or the person's next of kin or guardian; and

(3) any person requesting the information.

(c) A nursing facility shall keep a record of each person to whom notice is provided under Subsection (b).

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.