

By: Davis of Dallas, Rose

H.B. No. 2025

A BILL TO BE ENTITLED

AN ACT

relating to staffing requirements for certain facilities that provide care to persons with Alzheimer's disease or related disorders; authorizing an administrative penalty.

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

SECTION 1. Section 242.0665(b), Health and Safety Code, is amended to read as follows:

(b) Subsection (a) does not apply:

(1) to a violation that the department determines:

(A) results in serious harm to or death of a resident;

(B) constitutes a serious threat to the health or safety of a resident; or

(C) substantially limits the institution's capacity to provide care;

(2) to a violation described by Sections 242.066(a)(2)-(7);

(3) to a violation of Section 260A.014 or 260A.015; ~~or~~

(4) to a violation of a right of a resident adopted under Subchapter L; or

(5) to a second or subsequent violation of Section 326.002 that occurs before the second anniversary of the date of the first violation.

SECTION 2. Section 247.0452(b), Health and Safety Code, is amended to read as follows:

(b) Subsection (a) does not apply:

(1) to a violation that the department determines results in serious harm to or death of a resident;

(2) to a violation described by Sections 247.0451(a)(2)-(7) or a violation of Section 260A.014 or 260A.015;

(3) to a second or subsequent violation of:

(A) a right of the same resident under Section 247.064; or

(B) the same right of all residents under Section 247.064; ~~or~~

(4) to a violation described by Section 247.066, which contains its own right to correct provisions; or

(5) to a second or subsequent violation of Section 326.002 that occurs before the second anniversary of the date of the first violation.

SECTION 3. Subtitle G, Title 4, Health and Safety Code, is amended by adding Chapter 326 to read as follows:

CHAPTER 326. STAFFING REQUIREMENTS FOR FACILITIES PROVIDING CARE TO PERSONS WITH ALZHEIMER'S DISEASE OR RELATED DISORDERS

Sec. 326.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Health and Human Services Commission.

(2) "Facility" means:

(A) a nursing facility licensed under Chapter 242;

- 1 (B) a continuing care facility regulated under
2 Chapter 246;
- 3 (C) an assisted living facility licensed under
4 Chapter 247;
- 5 (D) a day activity and health services facility
6 licensed under Chapter 103, Human Resources Code;
- 7 (E) an establishment subject to Chapter 105,
8 Human Resources Code;
- 9 (F) a community home qualified under Chapter 123,
10 Human Resources Code; and
- 11 (G) an adult foster care provider that contracts
12 with the commission.

13 Sec. 326.002. WRITTEN POLICY REQUIRED. A facility shall
14 adopt, implement, and enforce a written policy that:

15 (1) requires a facility employee who provides direct
16 care to a person with Alzheimer's disease or a related disorder to
17 successfully complete training in the provision of care to persons
18 with Alzheimer's disease and related disorders; and

19 (2) ensures the care and services provided by a
20 facility employee to a person with Alzheimer's disease or a related
21 disorder meet the specific identified needs of the person relating
22 to the person's diagnosis of Alzheimer's disease or a related
23 disorder.

24 Sec. 326.003. ENFORCEMENT. (a) The commission may assess
25 an administrative penalty against a facility for a violation of
26 Section 326.002.

27 (b) The commission is not required to provide a facility an

opportunity to correct a second or subsequent violation of Section 326.002 that occurs before the second anniversary of the date of the first violation.

(c) A violation of Section 326.002 constitutes a violation of the law regulating a facility, and the commission may initiate for the violation any other enforcement action authorized by that law against the facility, including an adult foster care facility with three or fewer beds.

Sec. 326.004. RULES. The executive commissioner shall adopt rules related to the administration and implementation of this chapter.

SECTION 4. Section 103.013(b), Human Resources Code, is amended to read as follows:

(b) Subsection (a) does not apply to:

(1) a violation that the department determines:

(A) results in serious harm to or death of a person attending the facility;

(B) constitutes a serious threat to the health and safety of a person attending the facility; or

(C) substantially limits the facility's capacity to provide care;

(2) a violation described by Sections 103.012(a)(2)-(7); ~~or~~

(3) a violation of Section 103.011; or

(4) a second or subsequent violation of Section 326.002 that occurs before the second anniversary of the date of the first violation.

1 SECTION 5. Chapter 326, Health and Safety Code, as added by
2 this Act, does not affect the terms of a contract entered into
3 before the effective date of this Act, except that if the contract
4 is renewed, modified, or extended on or after the effective date of
5 this Act, Chapter 326 applies to the contract beginning on the date
6 of renewal, modification, or extension.

7 SECTION 6. This Act takes effect September 1, 2017.