

By: Clardy

H.B. No. 2205

A BILL TO BE ENTITLED

AN ACT

relating to the informal dispute resolution process for certain disputes between the Health and Human Services Commission and long-term care facilities.

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

SECTION 1. Section 531.058(a-1), Government Code, as added by Chapter 590 (S.B. 924), Acts of the 85th Legislature, Regular Session, 2017, is amended to read as follows:

(a-1) As part of the informal dispute resolution process established under this section, the commission shall contract with an appropriate disinterested person to adjudicate disputes between an institution or facility licensed under Chapter 242, Health and Safety Code, or a facility licensed under Chapter 247, Health and Safety Code, and the commission concerning a statement of violations prepared by the commission in connection with a survey conducted by the commission of the institution or facility. Section 2009.053 does not apply to the selection of an appropriate disinterested person under this subsection. The person with whom the commission contracts shall adjudicate all disputes described by this subsection. The informal dispute resolution process for the statement of violations must require:

(1) the surveyor who conducted the survey for which the statement was prepared to be available to clarify or answer questions related to the facility or the statement that are asked by

1 the person reviewing the dispute or by the facility; and

2 (2) the commission's review of the institution's or  
3 facility's informal dispute resolution request to be conducted by a  
4 registered nurse with long-term care experience for a standard of  
5 care violation.

6 SECTION 2. Section 242.0445, Health and Safety Code, is  
7 amended by adding Subsection (a-1) to read as follows:

8 (a-1) If the commission or the commission's representative  
9 conducting an inspection, survey, or investigation under Section  
10 242.043 or 242.044 identifies a violation that constitutes  
11 immediate jeopardy to the health or safety of a resident:

12 (1) the commission shall immediately notify the  
13 facility's management of the violation; and

14 (2) a commission representative shall remain in or be  
15 accessible to the facility until the commission has received the  
16 facility's plan of removal related to the violation.

17 SECTION 3. Section 531.058(a-1), Government Code, as added  
18 by Chapter 836 (H.B. 2025), Acts of the 85th Legislature, Regular  
19 Session, 2017, is repealed.

20 SECTION 4. If before implementing any provision of this Act  
21 a state agency determines that a waiver or authorization from a  
22 federal agency is necessary for implementation of that provision,  
23 the agency affected by the provision shall request the waiver or  
24 authorization and may delay implementing that provision until the  
25 waiver or authorization is granted.

26 SECTION 5. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2019.