

By: Clardy

H.B. No. 2205

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the informal dispute resolution process for certain
3 disputes between the Health and Human Services Commission and
4 long-term care facilities.

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

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

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

22 (1) the surveyor who conducted the survey for which
23 the statement was prepared to be available to testify or be examined
24 during any proceeding of the informal dispute resolution process;

1 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 the
15 facility until the commission has accepted the facility's plan to
16 correct 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19 Session, 2017, is repealed.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. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2019.