

1-1 By: Clardy (Senate Sponsor - Buckingham) H.B. No. 2205
1-2 (In the Senate - Received from the House May 13, 2019;
1-3 May 14, 2019, read first time and referred to Committee on Health &
1-4 Human Services; May 19, 2019, reported favorably by the following
1-5 vote: Yeas 9, Nays 0; May 19, 2019, sent to printer.)

1-6 COMMITTEE VOTE

1-7		Yea	Nay	Absent	PNV
1-8	Kolkhorst	X			
1-9	Perry	X			
1-10	Buckingham	X			
1-11	Campbell	X			
1-12	Flores	X			
1-13	Johnson	X			
1-14	Miles	X			
1-15	Powell	X			
1-16	Seliger	X			

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the informal dispute resolution process for certain
1-20 disputes between the Health and Human Services Commission and
1-21 long-term care facilities.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 531.058(a-1), Government Code, as added
1-24 by Chapter 590 (S.B. 924), Acts of the 85th Legislature, Regular
1-25 Session, 2017, is amended to read as follows:

1-26 (a-1) As part of the informal dispute resolution process
1-27 established under this section, the commission shall contract with
1-28 an appropriate disinterested person to adjudicate disputes between
1-29 an institution or facility licensed under Chapter 242, Health and
1-30 Safety Code, or a facility licensed under Chapter 247, Health and
1-31 Safety Code, and the commission concerning a statement of
1-32 violations prepared by the commission in connection with a survey
1-33 conducted by the commission of the institution or facility.
1-34 Section 2009.053 does not apply to the selection of an appropriate
1-35 disinterested person under this subsection. The person with whom
1-36 the commission contracts shall adjudicate all disputes described by
1-37 this subsection. The informal dispute resolution process for the
1-38 statement of violations must require:

1-39 (1) the surveyor who conducted the survey for which
1-40 the statement was prepared to be available to clarify or answer
1-41 questions related to the facility or the statement that are asked by
1-42 the person reviewing the dispute or by the facility; and

1-43 (2) the commission's review of the institution's or
1-44 facility's informal dispute resolution request to be conducted by a
1-45 registered nurse with long-term care experience for a standard of
1-46 care violation.

1-47 SECTION 2. Section 242.0445, Health and Safety Code, is
1-48 amended by adding Subsection (a-1) to read as follows:

1-49 (a-1) If the commission or the commission's representative
1-50 conducting an inspection, survey, or investigation under Section
1-51 242.043 or 242.044 identifies a violation that constitutes
1-52 immediate jeopardy to the health or safety of a resident:

1-53 (1) the commission shall immediately notify the
1-54 facility's management of the violation; and

1-55 (2) a commission representative shall remain in or be
1-56 accessible to the facility until the commission has received the
1-57 facility's plan of removal related to the violation.

1-58 SECTION 3. Section 531.058(a-1), Government Code, as added
1-59 by Chapter 836 (H.B. 2025), Acts of the 85th Legislature, Regular
1-60 Session, 2017, is repealed.

1-61 SECTION 4. If before implementing any provision of this Act

a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

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