

By: Kolkhorst
(Clardy)

S.B. No. 1519

A BILL TO BE ENTITLED

AN ACT

relating to establishing a council on long-term care facilities and the duties of that council.

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

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0581 to read as follows:

Sec. 531.0581. LONG-TERM CARE FACILITIES COUNCIL. (a) In this section:

(1) "Council" means the Long-Term Care Facilities Council.

(2) "Long-term care facility" means a facility subject to regulation under Section 32.021(d), Human Resources Code, or Chapter 242, 247, or 252, Health and Safety Code.

(b) The executive commissioner shall establish a Long-Term Care Facilities Council as a permanent advisory committee to the commission. The council is composed of the following members appointed by the executive commissioner:

(1) at least one member who is a for-profit nursing facility provider;

(2) at least one member who is a nonprofit nursing facility provider;

(3) at least one member who is an assisted living services provider;

(4) at least one member responsible for survey

1 enforcement within the state survey and certification agency;

2 (5) at least one member responsible for survey
3 inspection within the state survey and certification agency;

4 (6) at least one member of the state agency
5 responsible for informal dispute resolution;

6 (7) at least one member with expertise in Medicaid
7 quality-based payment systems for long-term care facilities;

8 (8) at least one member who is a practicing medical
9 director of a long-term care facility; and

10 (9) at least one member who is a physician with
11 expertise in infectious disease or public health.

12 (c) The executive commissioner shall designate a member of
13 the council to serve as presiding officer. The members of the
14 council shall elect any other necessary officers.

15 (d) A member of the council serves at the will of the
16 executive commissioner.

17 (e) The council shall meet at the call of the executive
18 commissioner.

19 (f) A member of the council is not entitled to reimbursement
20 of expenses or to compensation for service on the council.

21 (g) The council shall study and make recommendations
22 regarding a consistent survey and informal dispute resolution
23 process for long-term care facilities and regarding Medicaid
24 quality-based payment systems for those facilities. The council
25 shall:

26 (1) study and make recommendations regarding best
27 practices and protocols to make survey, inspection, and informal

1 dispute resolution processes more efficient and less burdensome on
2 long-term care facilities;

3 (2) recommend uniform standards for those processes;
4 and

5 (3) study and make recommendations regarding Medicaid
6 quality-based payment systems and a rate-setting methodology for
7 long-term care facilities.

8 (h) Not later than January 1 of each odd-numbered year, the
9 council shall submit a report on the council's findings and
10 recommendations to the executive commissioner, the governor, the
11 lieutenant governor, the speaker of the house of representatives,
12 and the chairs of the appropriate legislative committees.

13 (i) Chapter 2110 does not apply to the council.

14 SECTION 2. (a) In this section:

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

17 (2) "Long-Term Care Facilities Council" means the
18 council established under Section 531.0581, Government Code, as
19 added by this Act.

20 (3) "Long-term care facility" has the meaning assigned
21 by Section 531.0581, Government Code, as added by this Act.

22 (b) Not later than September 1, 2021, the Long-Term Care
23 Facilities Council shall assess the impact the implementation of
24 Section 2, Chapter 1117 (H.B. 3523), Acts of the 84th Legislature,
25 Regular Session, 2015, which amended Section 533.00251(c),
26 Government Code, effective September 1, 2021, would have on
27 long-term care facilities and make a recommendation to the

1 commission regarding its implementation. Notwithstanding that
2 section, if the council advises that implementing that section
3 would have a significant impact on long-term care facilities, the
4 commission may delay the implementation of that section until
5 September 1, 2023, provided that the commission publishes notice of
6 that delay in the Texas Register as soon as practicable.

7 (c) This section expires September 1, 2023.

8 SECTION 3. Not later than December 1, 2019, the executive
9 commissioner of the Health and Human Services Commission shall
10 establish the Long-Term Care Facilities Council and appoint the
11 council members as required by Section 531.0581, Government Code,
12 as added by this Act.

13 SECTION 4. The Health and Human Services Commission is
14 required to implement a provision of this Act only if the
15 legislature appropriates money to the commission specifically for
16 that purpose. If the legislature does not appropriate money
17 specifically for that purpose, the commission may, but is not
18 required to, implement a provision of this Act using other
19 appropriations that are available for that purpose.

20 SECTION 5. 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.