

1-1 By: Kolkhorst S.B. No. 1519
 1-2 (In the Senate - Filed March 5, 2019; March 14, 2019, read
 1-3 first time and referred to Committee on Health & Human Services;
 1-4 April 24, 2019, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 24, 2019,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1519 By: Kolkhorst

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to establishing a council on long-term care facilities and
 1-22 the duties of that council.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter B, Chapter 531, Government Code, is
 1-25 amended by adding Section 531.0581 to read as follows:

1-26 Sec. 531.0581. LONG-TERM CARE FACILITIES COUNCIL. (a) In
 1-27 this section:

1-28 (1) "Council" means the Long-Term Care Facilities
 1-29 Council.

1-30 (2) "Long-term care facility" means a facility subject
 1-31 to regulation under Section 32.021(d), Human Resources Code, or
 1-32 Chapter 242, 247, or 252, Health and Safety Code.

1-33 (b) The executive commissioner shall establish a Long-Term
 1-34 Care Facilities Council as a permanent advisory committee to the
 1-35 commission. The council is composed of the following members
 1-36 appointed by the executive commissioner:

1-37 (1) at least one member who is a for-profit nursing
 1-38 facility provider;

1-39 (2) at least one member who is a nonprofit nursing
 1-40 facility provider;

1-41 (3) at least one member who is an assisted living
 1-42 services provider;

1-43 (4) at least one member responsible for survey
 1-44 enforcement within the state survey and certification agency;

1-45 (5) at least one member responsible for survey
 1-46 inspection within the state survey and certification agency;

1-47 (6) at least one member of the state agency
 1-48 responsible for informal dispute resolution;

1-49 (7) at least one member with expertise in Medicaid
 1-50 quality-based payment systems for long-term care facilities;

1-51 (8) at least one member who is a practicing medical
 1-52 director of a long-term care facility; and

1-53 (9) at least one member who is a physician with
 1-54 expertise in infectious disease or public health.

1-55 (c) The executive commissioner shall designate a member of
 1-56 the council to serve as presiding officer. The members of the
 1-57 council shall elect any other necessary officers.

1-58 (d) A member of the council serves at the will of the
 1-59 executive commissioner.

1-60 (e) The council shall meet at the call of the executive

2-1 commissioner.
2-2 (f) A member of the council is not entitled to reimbursement
2-3 of expenses or to compensation for service on the council.

2-4 (g) The council shall study and make recommendations
2-5 regarding a consistent survey and informal dispute resolution
2-6 process for long-term care facilities and regarding Medicaid
2-7 quality-based payment systems for those facilities. The council
2-8 shall:

2-9 (1) study and make recommendations regarding best
2-10 practices and protocols to make survey, inspection, and informal
2-11 dispute resolution processes more efficient and less burdensome on
2-12 long-term care facilities;

2-13 (2) recommend uniform standards for those processes;
2-14 and

2-15 (3) study and make recommendations regarding Medicaid
2-16 quality-based payment systems and a rate-setting methodology for
2-17 long-term care facilities.

2-18 (h) Not later than January 1 of each odd-numbered year, the
2-19 council shall submit a report on the council's findings and
2-20 recommendations to the executive commissioner, the governor, the
2-21 lieutenant governor, the speaker of the house of representatives,
2-22 and the chairs of the appropriate legislative committees.

2-23 (i) Chapter 2110 does not apply to the council.

2-24 SECTION 2. (a) In this section:

2-25 (1) "Commission" means the Health and Human Services
2-26 Commission.

2-27 (2) "Long-Term Care Facilities Council" means the
2-28 council established under Section 531.0581, Government Code, as
2-29 added by this Act.

2-30 (3) "Long-term care facility" has the meaning assigned
2-31 by Section 531.0581, Government Code, as added by this Act.

2-32 (b) Not later than September 1, 2021, the Long-Term Care
2-33 Facilities Council shall assess the impact the implementation of
2-34 Section 2, Chapter 1117 (H.B. 3523), Acts of the 84th Legislature,
2-35 Regular Session, 2015, which amended Section 533.00251(c),
2-36 Government Code, effective September 1, 2021, would have on
2-37 long-term care facilities and make a recommendation to the
2-38 commission regarding its implementation. Notwithstanding that
2-39 section, if the council advises that implementing that section
2-40 would have a significant impact on long-term care facilities, the
2-41 commission may delay the implementation of that section until
2-42 September 1, 2023, provided that the commission publishes notice of
2-43 that delay in the Texas Register as soon as practicable.

2-44 (c) This section expires September 1, 2023.

2-45 SECTION 3. Not later than December 1, 2019, the executive
2-46 commissioner of the Health and Human Services Commission shall
2-47 establish the Long-Term Care Facilities Council and appoint the
2-48 council members as required by Section 531.0581, Government Code,
2-49 as added by this Act.

2-50 SECTION 4. The Health and Human Services Commission is
2-51 required to implement a provision of this Act only if the
2-52 legislature appropriates money to the commission specifically for
2-53 that purpose. If the legislature does not appropriate money
2-54 specifically for that purpose, the commission may, but is not
2-55 required to, implement a provision of this Act using other
2-56 appropriations that are available for that purpose.

2-57 SECTION 5. This Act takes effect immediately if it receives
2-58 a vote of two-thirds of all the members elected to each house, as
2-59 provided by Section 39, Article III, Texas Constitution. If this
2-60 Act does not receive the vote necessary for immediate effect, this
2-61 Act takes effect September 1, 2019.

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