

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 23, 2019**

**TO:** Honorable Dan Patrick, Lieutenant Governor, Senate

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE:** **SB1519** by Kolkhorst (Relating to establishing a council on long-term care facilities and the duties of that council.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The Health and Human Services Commission is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the commission may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

The bill would require the Health and Human Services Commission (HHSC) to establish a Long-Term Care Facilities Council as a permanent advisory committee to HHSC. The council would study and make recommendations regarding a consistent survey and informal dispute resolution process for long-term care facilities and regarding Medicaid quality-based payment systems and the allocation of Medicaid beds in those facilities. The council would submit biennial reports on its findings in each odd-numbered year.

Not later than September 1, 2021, the council would assess the impact that the implementation of Section 2, Chapter 1117 (House Bill 3523), Acts of the 84th Legislature, Regular Session, 2015, would have on long-term care facilities and make a recommendation to HHSC regarding its implementation.

The bill would require that, for informal dispute resolutions of violations in assisted living and nursing facilities, the surveyor who conducted the survey for which the violation was written must be available to clarify or answer questions related to the facility or the statement. The bill would also require that a registered nurse with long-term care experience review the facility's informal dispute resolution request.

If HHSC identified a violation that constituted immediate jeopardy in a convalescent or nursing facility, the bill would require HHSC to immediately notify facility management and remain in or be accessible to the facility until HHSC has received the facility's plan of removal related to the violation.

The bill would take effect immediately if it receives a vote of two-thirds of all the members elected to each house. If the bill does not receive the vote necessary for immediate effect, the bill would take effect September 1, 2019.

It is assumed that the provisions of the bill can be accomplished with existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 529 Health and Human Services Commission

**LBB Staff:** WP, AKi, JQ, MNa