

By: Campos

H.B. No. 1221

A BILL TO BE ENTITLED

AN ACT

relating to communicable disease and infection prevention and control measures for certain long-term care facilities; authorizing an administrative penalty.

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

SECTION 1. Section 81.014, Health and Safety Code, is amended to read as follows:

Sec. 81.014. LONG-TERM CARE FACILITY INFECTION PREVENTION AND CONTROL PROGRAMS [~~PROGRAM~~]. (a) Each long-term care facility shall, with advice from and subject to the approval of a quality assessment and assurance committee designated under Subsection (c), establish and maintain an [~~facility's~~] infection prevention and control program designed to:

(1) provide to facility residents and staff a safe, sanitary, and comfortable environment; and

(2) help prevent the development and transmission of communicable diseases and infections among facility residents and staff.

(b) A long-term care facility's infection prevention and control program must include:

(1) monitoring of key infectious agents, including multidrug-resistant organisms; [~~and~~]

(2) procedures for making rapid influenza diagnostic tests available to facility residents and staff; and

1           (3) procedures for ensuring that rapid antigen  
2 COVID-19 viral tests are available to facility residents and staff  
3 as needed.

4           (c) Each long-term care facility shall designate a quality  
5 assessment and assurance committee to approve and monitor the  
6 facility's infection prevention and control program. The facility's  
7 committee must include:

8           (1) the facility's director of nursing or an  
9 equivalent consultant with the facility;

10           (2) the facility's medical director or the director's  
11 designee;

12           (3) not less than three members of the facility's  
13 staff, at least one of whom must be a facility administrator, a  
14 facility board member, or another individual in a leadership  
15 position with the facility; and

16           (4) the facility's primary infection preventionist  
17 designated under Section 81.0145.

18           (d) A long-term care facility's quality assessment and  
19 assurance committee shall:

20           (1) conduct an annual review of the facility's  
21 infection prevention and control program and modify the program as  
22 necessary; and

23           (2) present the findings of each review conducted  
24 under Subdivision (1) to facility staff and residents at annual  
25 meetings that are open to the public.

26           (e) A long-term care facility's primary infection  
27 preventionist designated under Section 81.0145 shall:

1           (1) with the assistance of the facility's secondary  
2 infection preventionist designated under that section, implement  
3 the facility's infection prevention and control program; and

4           (2) submit regular reports to the facility's quality  
5 assessment and assurance committee on the implementation of the  
6 program.

7           SECTION 2. Subchapter A, Chapter 81, Health and Safety  
8 Code, is amended by adding Sections 81.0145 and 81.0146 to read as  
9 follows:

10           Sec. 81.0145. LONG-TERM CARE FACILITY INFECTION  
11 PREVENTIONISTS. (a) Each long-term care facility shall designate  
12 a primary and a secondary infection preventionist. The primary and  
13 secondary infection preventionists must:

14           (1) have professional training or other specialized  
15 training in nursing, medical technology, microbiology, or another  
16 related field;

17           (2) have completed specialized training in infection  
18 prevention and control;

19           (3) work at least part-time at the facility; and

20           (4) annually complete at least eight hours of training  
21 approved by the commission related to infectious diseases and  
22 vaccinations.

23           (b) A long-term care facility's primary infection  
24 preventionist and, under the direction of the primary infection  
25 preventionist, secondary infection preventionist shall:

26           (1) implement the facility's infection prevention and  
27 control program in the manner described by Section 81.014;

1           (2) serve as the facility's contact for the local  
2 health department or health authority to notify the facility of a  
3 potential exposure to a reportable disease at the facility;

4           (3) notify the local health department or health  
5 authority of a potential exposure to a reportable disease at the  
6 facility not later than eight hours from the time of exposure;

7           (4) notify staff, residents, and resident  
8 representatives not later than 12 hours from the time a reportable  
9 disease at the facility is verified;

10           (5) investigate and evaluate incidents during which  
11 facility residents or staff were or may have been exposed to a  
12 communicable disease, using current evidence-based information on  
13 the possible risks associated with exposure to the communicable  
14 disease;

15           (6) implement control measures to prevent the spread  
16 of infection of a communicable disease among facility residents and  
17 staff, including:

18                   (A) immunization;

19                   (B) detention;

20                   (C) restrictions;

21                   (D) disinfection;

22                   (E) decontamination;

23                   (F) isolation;

24                   (G) quarantine;

25                   (H) disinfestation;

26                   (I) chemoprophylaxis;

27                   (J) preventive therapy;

1           (K) prevention methods; and

2           (L) education;

3           (7) in accordance with applicable law, monitor all  
4 treatment provided to a facility resident or staff member who is  
5 exposed to and as a result of that exposure infected with a  
6 communicable disease at the facility;

7           (8) maintain records of and respond in a timely  
8 manner, as determined by the facility, to each communicable disease  
9 complaint made by facility staff, residents, or resident  
10 representatives;

11           (9) as required by the executive commissioner, submit  
12 to the department or the local health department or health  
13 authority accurate information on the total number of cases of a  
14 reportable disease among facility residents or staff; and

15           (10) perform other duties for the facility as assigned  
16 by the executive commissioner.

17           (c) A primary or secondary infection preventionist may not  
18 serve concurrently as an infection preventionist for more than  
19 three long-term care facilities.

20           (d) Each long-term care facility shall provide to the local  
21 health department or health authority the names and qualifications  
22 of the facility's primary and secondary infection preventionists.

23           Sec. 81.0146. ADMINISTRATIVE PENALTY RELATED TO LONG-TERM  
24 CARE FACILITY COMMUNICABLE DISEASE AND PREVENTION CONTROL  
25 MEASURES. (a) The commission may impose an administrative penalty  
26 against a long-term care facility that violates Section [81.014](#) or  
27 [81.0145](#) in an amount determined by the executive commissioner in

1 accordance with commission rules.

2 (b) The amount of an administrative penalty imposed under  
3 this section shall be based on:

4 (1) the seriousness of the violation, including the  
5 nature, circumstances, extent, and gravity of any prohibited acts,  
6 and the hazard or potential hazard created to the health and safety  
7 of facility residents and staff;

8 (2) enforcement costs relating to the violation;

9 (3) the history of previous violations;

10 (4) the amount necessary to deter future violations;

11 (5) efforts to correct the violation; and

12 (6) any other matter that justice may require.

13 SECTION 3. (a) As soon as practicable after the effective  
14 date of this Act, each long-term care facility licensed under  
15 Chapter 242, 247, or 252, Health and Safety Code, shall:

16 (1) establish an infection prevention and control  
17 program and designate a quality assessment and assurance committee  
18 to approve the program as required by Section 81.014, Health and  
19 Safety Code, as amended by this Act; and

20 (2) designate a primary and a secondary infection  
21 preventionist as required by Section 81.0145, Health and Safety  
22 Code, as added by this Act.

23 (b) As soon as practicable after the effective date of this  
24 Act, the executive commissioner of the Health and Human Services  
25 Commission shall adopt the rules necessary to implement the changes  
26 in law made by this Act.

27 SECTION 4. This Act takes effect September 1, 2021.