88R7299 MPF-F

By:  Campos H.B. No. 1463

A BILL TO BE ENTITLED

AN ACT

relating to a state plan and requirements for nursing facilities and related institutions that provide care and treatment for persons with Alzheimer's disease and related disorders.

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

SECTION 1.  The heading to Section 242.040, Health and Safety Code, is amended to read as follows:

Sec. 242.040.  CERTIFICATION OF INSTITUTIONS THAT PROVIDE CARE AND TREATMENT FOR PERSONS WITH ALZHEIMER'S DISEASE AND RELATED DISORDERS.

SECTION 2.  Section 242.040, Health and Safety Code, is amended by amending Subsections (a), (b), (c), (e), and (f) and adding Subsections (b-1), (b-2), and (b-3) to read as follows:

(a)  The commission [~~department~~] shall establish a system for certifying institutions that meet standards adopted by the executive commissioner concerning the specialized care and treatment of persons with Alzheimer's disease and related disorders. The commission may periodically modify the system and standards as the executive commissioner determines appropriate.

(b)  An institution may [~~is~~] not [~~required to be certified under this section in order to~~] provide care and treatment for [~~of~~] persons with Alzheimer's disease and related disorders unless the institution holds a certification issued under this section.

(b-1)  Notwithstanding Subsection (b) and subject to Subsection (b-2), an institution is not required to hold a certification issued under this section to provide care and treatment for persons with Alzheimer's disease and related disorders before January 1, 2033.

(b-2)  An institution that is initially licensed under this chapter on or after January 1, 2025, must hold a certification issued under this section to provide care and treatment for persons with Alzheimer's disease and related disorders.

(b-3)  Subsections (b-1) and (b-2) and this subsection expire September 1, 2035.

(c)  The executive commissioner by rule shall [~~may~~] adopt standards for the specialized care and treatment of persons with Alzheimer's disease and related disorders and provide procedures for institutions applying for certification under this section. The rules must provide for a three-year certification period.

(e)  An institution may not advertise or otherwise communicate that the institution is certified by the commission [~~department~~] to provide specialized care or treatment for persons with Alzheimer's disease or related disorders unless the institution is certified under this section.

(f)  The executive commissioner by rule shall adopt a system under which an appropriate number of certifications issued by the commission [~~department~~] expire on staggered dates occurring in each three-year period. If the expiration date of a certification changes as a result of this subsection, the commission [~~department~~] shall prorate the certification fee relating to that certification as appropriate. To the extent possible, the system must align the expiration date for an institution's certification under this section with the expiration date for the institution's license under this chapter.

SECTION 3.  Subchapter B, Chapter 242, Health and Safety Code, is amended by adding Section 242.0406 to read as follows:

Sec. 242.0406.  STATE PLAN FOR CERTIFICATION OF INSTITUTIONS THAT PROVIDE CARE AND TREATMENT FOR PERSONS WITH ALZHEIMER'S DISEASE AND RELATED DISORDERS. (a) The commission shall develop a state plan to certify under Section 242.040 each institution licensed under this chapter that provides care and treatment for persons with Alzheimer's disease and related disorders by January 1, 2033. The executive commissioner must approve the state plan and shall adopt rules for implementing the approved state plan.

(b)  In developing the state plan, the commission shall:

(1)  conduct a study on certifying under Section 242.040 each institution licensed under this chapter that provides care and treatment for persons with Alzheimer's disease and related disorders by January 1, 2033; and

(2)  determine and consider in implementing the state plan the:

(A)  costs and challenges;

(B)  legal and technical issues; and

(C)  scheduling factors and time considerations.

(c)  The state plan must require that:

(1)  at least 10 percent of the total number of institutions licensed under this chapter that provide care and treatment for persons with Alzheimer's disease and related disorders be certified under Section 242.040 by January 1, 2025;

(2)  at least 25 percent of the total number of institutions licensed under this chapter that provide care and treatment for persons with Alzheimer's disease and related disorders be certified under Section 242.040 by January 1, 2027;

(3)  at least 50 percent of the total number of institutions licensed under this chapter that provide care and treatment for persons with Alzheimer's disease and related disorders be certified under Section 242.040 by January 1, 2029;

(4)  at least 75 percent of the total number of institutions licensed under this chapter that provide care and treatment for persons with Alzheimer's disease and related disorders be certified under Section 242.040 by January 1, 2031; and

(5)  each institution licensed under this chapter that provides care and treatment for persons with Alzheimer's disease and related disorders be certified under Section 242.040 by January 1, 2033.

(d)  The state plan may provide for reimbursement to institutions licensed under this chapter that provide care and treatment for persons with Alzheimer's disease and related disorders and that become certified under Section 242.040 in amounts based on the following schedule:

(1)  for an institution certified by January 1, 2025, the state plan may reimburse the institution for 100 percent of the certification costs;

(2)  for an institution certified by January 1, 2027, the state plan may reimburse the institution in an amount not to exceed 75 percent of the certification costs;

(3)  for an institution certified by January 1, 2029, the state plan may reimburse the institution in an amount not to exceed 50 percent of the certification costs; and

(4)  for an institution certified by January 1, 2031, the state plan may reimburse the institution in an amount not to exceed 25 percent of the certification costs.

(e)  The commission may use existing resources and solicit and accept gifts, grants, and donations from any source to implement the state plan.

(f)  This section expires September 1, 2035.

SECTION 4.  Not later than September 1, 2024, the Health and Human Services Commission shall develop, and the executive commissioner of the commission shall approve and adopt, rules for implementing the state plan required by Section 242.0406, Health and Safety Code, as added by this Act.

SECTION 5.  As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt the rules necessary to implement the changes in law made by this Act.

SECTION 6.  This Act takes effect September 1, 2023.