88R7532 MPF-F

By:  Campos H.B. No. 1865

A BILL TO BE ENTITLED

AN ACT

relating to the requirements for certain institutions and facilities that provide care and services to 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.

(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, 2028.

(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, 2030.

(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.

SECTION 3.  The heading to Section 247.029, Health and Safety Code, is amended to read as follows:

Sec. 247.029.  CLASSIFICATION OF FACILITIES THAT PROVIDE PERSONAL CARE SERVICES TO [~~FOR~~] PERSONS WITH ALZHEIMER'S DISEASE OR RELATED DISORDERS.

SECTION 4.  Section 247.029, Health and Safety Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), and (a-3) to read as follows:

(a)  The executive commissioner by rule shall establish a classification and license for a facility that [~~advertises, markets, or otherwise promotes that the facility~~] provides personal care services to residents who have Alzheimer's disease or related disorders. A facility may not [~~is not required to be classified under this section to~~] provide personal care services [~~care or treatment~~] to residents who have Alzheimer's disease or related disorders unless the facility is classified under this section.

(a-1)  Notwithstanding Subsection (a) and subject to Subsection (a-2), a facility is not required to be classified under this section to provide personal care services to persons with Alzheimer's disease or related disorders before January 1, 2028.

(a-2)  A facility that is initially licensed under this chapter on or after January 1, 2025, must be classified under this section to provide personal care services to persons with Alzheimer's disease or related disorders.

(a-3)  Subsections (a-1) and (a-2) and this subsection expire September 1, 2030.

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.