

By: Rose, Thompson, Y. Davis of Dallas,  
Bowers, A. Davis of Dallas

H.B. No. 5396

Substitute the following for H.B. No. 5396:

By: Hull

C.S.H.B. No. 5396

A BILL TO BE ENTITLED

AN ACT

relating to the oversight of rehabilitation hospitals by the office  
of the state long-term care ombudsman.

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

SECTION 1. This Act shall be known as the Congresswoman  
Eddie Bernice Johnson Rehabilitation Hospital Care Ombudsman Act of  
2025.

SECTION 2. Section 101A.251, Human Resources Code, is  
amended by amending Subdivision (1-a) and adding Subdivisions (1-b)  
and (3-b) to read as follows:

(1-a) "Imminent peril" means the condition of being in  
immediate danger of bodily injury, physical or mental impairment,  
or death.

(1-b) "Local ombudsman entity" means a distinct unit  
or entity, consisting of representatives, designated by the state  
long-term care ombudsman to carry out the ombudsman program in a  
service area of the state.

(3-b) "Rehabilitation hospital" means a hospital as  
defined by Section 241.003, Health and Safety Code, that  
specializes in providing comprehensive medical rehabilitation  
services, including surgery and related ancillary services.

SECTION 3. Section 101A.254, Human Resources Code, is  
amended by adding Subsection (a-1) and amending Subsection (b) to  
read as follows:

1        (a-1) The office may receive, investigate, and resolve  
2 complaints regarding the health or safety of rehabilitation  
3 hospital patients who may be in imminent peril as a result of care  
4 provided or withheld by rehabilitation hospital staff.

5        (b) The office may use appropriate administrative, legal,  
6 and other remedies to assist residents and rehabilitation hospital  
7 patients as provided by commission rules.

8        SECTION 4. Sections [101A.257](#)(a) and (d), Human Resources  
9 Code, are amended to read as follows:

10        (a) The office shall have access to residents and  
11 rehabilitation hospital patients and shall, in accordance with  
12 commission rules, investigate and resolve complaints made by or on  
13 behalf of residents and rehabilitation hospital patients.

14        (d) A long-term care facility or rehabilitation hospital  
15 shall cooperate with an investigation conducted by the state  
16 long-term care ombudsman or a representative, including an  
17 ombudsman designated under Section [101A.255](#).

18        SECTION 5. Sections [101A.258](#)(a), (a-1), and (b), Human  
19 Resources Code, are amended to read as follows:

20        (a) The state long-term care ombudsman and representatives  
21 shall have access to patient care records of residents and  
22 rehabilitation hospital patients as provided by commission  
23 rules. Except as provided by Subsection (b), all records and  
24 information created or obtained by the state long-term care  
25 ombudsman or a representative remain confidential.

26        (a-1) The state long-term care ombudsman and  
27 representatives shall have access to patient care records of a

resident or rehabilitation hospital patient if:

(1) the resident, ~~or~~ the resident's legal representative, the patient, or the patient's legal representative consents to the access;

(2) the resident or patient is unable to consent to the access and the resident or patient has no legal representative; or

(3) access to the records is necessary to investigate a complaint and:

(A) a legal representative of the resident or patient refuses to consent to the access;

(B) the state long-term care ombudsman or representative has reasonable cause to believe that the legal representative of the resident or patient is not acting in the best interests of the resident or patient; and

(C) the state long-term care ombudsman approves the access.

(b) The office shall ensure that the identity of a complainant or any resident or rehabilitation hospital patient may be disclosed only with the consent of the person or the person's legal representative or on court order.

SECTION 6. Section 101A.259, Human Resources Code, is amended to read as follows:

Sec. 101A.259. SYSTEM FOR AND METHOD OF REPORTING ~~[SYSTEM]~~.

(a) The office shall maintain a statewide ombudsman uniform reporting system to collect and analyze information relating to complaints and conditions in long-term care facilities as long as such system does not duplicate other state reporting systems. The

office shall provide the information to the commission in accordance with federal law.

(b) A person may file by telephone or electronic mail a complaint with the office regarding the health or safety of a rehabilitation hospital patient who may be in imminent peril as a result of care provided or withheld by a rehabilitation hospital's staff.

SECTION 7. Subchapter F, Chapter 101A, Human Resources Code, is amended by adding Section 101A.2615 to read as follows:

Sec. 101A.2615. REQUIRED NOTICE AT REHABILITATION HOSPITALS. (a) A rehabilitation hospital shall post in a prominent and conspicuous location at the hospital and in each patient room at the hospital a sign containing information on the procedure for contacting and filing a complaint with the office. The sign must:

(1) be printed in at least 14-point, sans serif typeface on paper at least 8-1/2 by 11 inches in size;

(2) contain the contact information for filing a complaint against a rehabilitation hospital, including the telephone number and electronic mail address for the appropriate person to receive the complaint; and

(3) contain the following statement:

"If you believe you are in immediate danger of bodily injury, physical or mental impairment, or death as a result of care you are receiving or not receiving at this facility, contact the Office of the Long-Term Care Ombudsman."

(b) The executive commissioner by rule shall prescribe the form and content of the sign required by Subsection (a) and post on

1 the commission's Internet website a model sign that complies with  
2 this section and commission rules.

3 SECTION 8. Section 101A.261, Human Resources Code, is  
4 amended to read as follows:

5 Sec. 101A.261. PUBLIC INFORMATION. The office shall  
6 provide information and make recommendations to public agencies,  
7 legislators, and other persons about the problems and concerns of  
8 residents and rehabilitation hospital patients.

9 SECTION 9. Section 101A.262(a), Human Resources Code, is  
10 amended to read as follows:

11 (a) The office shall prepare a report that contains:

12 (1) information and findings relating to the problems  
13 and concerns of residents and rehabilitation hospital patients; and

14 (2) policy, regulatory, and legislative  
15 recommendations to solve the problems, resolve the concerns, and  
16 improve the quality of the residents' and patients' care and lives.

17 SECTION 10. As soon as practicable after the effective date  
18 of this Act, the executive commissioner of the Health and Human  
19 Services Commission shall publish on the commission's Internet  
20 website the model sign required by Section 101A.2615, Human  
21 Resources Code, as added by this Act.

22 SECTION 11. As soon as practicable after the effective date  
23 of this Act, the executive commissioner of the Health and Human  
24 Services Commission shall adopt rules necessary to implement  
25 Subchapter F, Chapter 101A, Human Resources Code, as amended by  
26 this Act.

27 SECTION 12. This Act takes effect immediately if it

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1 receives a vote of two-thirds of all the members elected to each  
2 house, as provided by Section 39, Article III, Texas Constitution.  
3 If this Act does not receive the vote necessary for immediate  
4 effect, this Act takes effect September 1, 2025.