

BILL ANALYSIS

C.S.H.B. 284
By: Perez
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that certain facilities that provide specialized care and treatment of residents with Alzheimer's disease and related disorders market themselves as "memory care certified" and there are concerns that such marketing terms may imply state certification. C.S.H.B. 284 seeks to address this issue by requiring certain nursing and assisted living facilities to provide notice as to whether the facility is or is not certified or licensed, as applicable, to provide such specialized care and treatment.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 5 of this bill.

ANALYSIS

C.S.H.B. 284 amends the Health and Safety Code to require a nursing facility to prepare a written notice disclosing whether the nursing facility is certified or is not certified for the provision of specialized care and treatment of residents with Alzheimer's disease and related disorders. The bill requires the nursing facility to provide the notice to each resident of the facility and each person applying for services from the facility or the person's next of kin or guardian.

C.S.H.B. 284 requires an assisted living facility to provide each resident of the facility written notice disclosing whether the assisted living facility holds a license or does not hold a license classified for the provision of personal care services to residents with Alzheimer's disease or related disorders.

C.S.H.B. 284 removes the requirement that the disclosure statement of an institution that advertises, markets, or otherwise promotes that the institution provides services to residents with Alzheimer's disease and related disorders contain information regarding whether the institution is certified for the provision of specialized care and treatment of such residents.

C.S.H.B. 284 repeals the requirement that the executive commissioner of the Health and Human Services Commission require each assisted living facility to include in the facility's consumer disclosure statement whether the facility holds a license classified for the provision of personal care services to residents with Alzheimer's disease or related disorders.

C.S.H.B. 284 requires the executive commissioner to adopt rules to implement the bill's provisions.

C.S.H.B. 284 repeals Section 247.026(c-1), Health and Safety Code.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 284 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include the requirements that a nursing facility or assisted living facility:

- provide the required written notice to any person requesting the information; and
- keep a record of each person to whom it provides the notice.

The substitute does not include the requirement that an assisted living facility provide the notice to each person applying for services from the facility or the person's next of kin or guardian.

The substitute does not include the requirement that the notice be posted in public areas of the applicable facilities.