

BILL ANALYSIS

S.B. 1519
By: Kolkhorst
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Recognizing the importance of ensuring that high-quality long-term care facilities are available to meet the needs of the growing elderly population in Texas, the 84th Texas Legislature provided for the establishment of the Long-Term Care Facility Survey and Informal Dispute Resolution Council to study and make recommendations for improving the dispute resolution processes for those facilities. The council produced one report and was abolished in 2017. S.B. 1519 seeks to build on that council's prior work by requiring the executive commissioner of the Health and Human Services Commission (HHSC) to establish a Long-Term Care Facilities Council as a permanent advisory committee to HHSC with expanded duties.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1519 amends the Government Code to require the executive commissioner of the Health and Human Services Commission (HHSC), not later than December 1, 2019, to establish a Long-Term Care Facilities Council as a permanent advisory committee to HHSC. The bill sets out the composition of the council and provides for its administration and operation. The bill exempts the council from Government Code provisions governing state agency advisory committees.

S.B. 1519 requires the council to study and make recommendations regarding a consistent survey and informal dispute resolution process for long-term care facilities and regarding Medicaid quality-based payment systems for those facilities. The bill requires the council to also do the following:

- study and make recommendations regarding best practices and protocols to make survey, inspection, and informal dispute resolution processes more efficient and less burdensome on long-term care facilities;
- recommend uniform standards for those processes; and
- study and make recommendations regarding Medicaid quality-based payment systems and a rate-setting methodology for long-term care facilities.

The bill requires the council, not later than January 1 of each odd-numbered year, to submit a report on the council's findings and recommendations to the executive commissioner, the

governor, the lieutenant governor, the speaker of the house of representatives, and the chairs of the appropriate legislative committees.

S.B. 1519 requires the council, not later than September 1, 2021, to assess the impact the implementation of Section 2, Chapter 1117 (H.B. 3523), Acts of the 84th Legislature, Regular Session, 2015, which amended certain law effective September 1, 2021, would have on long-term care facilities and to make a recommendation to HHSC regarding its implementation. If the council advises that implementing that section would have a significant impact on long-term care facilities, HHSC may delay implementation until September 1, 2023, provided that HHSC publishes notice of that delay in the Texas Register as soon as practicable. These provisions expire September 1, 2023.

S.B. 1519 establishes that HHSC is required to implement a provision of the bill only if the legislature appropriates money to HHSC specifically for that purpose. If the legislature does not make such an appropriation, HHSC may, but is not required to, implement a provision of the bill using other appropriations that are available for that purpose.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.