

## **BILL ANALYSIS**

H.B. 1423  
By: Campos  
Human Services  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

There are concerns over reports that the Health and Human Services Commission has had difficulty maintaining adequate staffing levels to survey, inspect, and investigate long-term care facilities as required. It is imperative that the state adequately inspects and monitors long-term care facilities, such as nursing homes and convalescent facilities, as those facilities house vulnerable Texans who are more prone to sickness and disease, such as COVID-19, when facility standards are not properly maintained. H.B. 1423 seeks to protect the general welfare of residents of certain long-term care facilities by ensuring each facility is inspected at least annually and providing for the continuous monitoring of staffing levels and regulatory capacity.

### **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 3 of this bill.

### **ANALYSIS**

H.B. 1423 amends the Health and Safety Code to do the following with respect to the inspection procedures for convalescent and nursing facilities and related institutions:

- replace the requirement for the Health and Human Services Commission (HHSC) to conduct at least two unannounced inspections of each institution per licensing period with a requirement for HHSC to conduct at least one unannounced inspection of each institution annually;
- authorize HHSC or its representative to conduct a follow-up inspection of an institution after conducting an inspection, survey, or investigation of the institution to both:
  - evaluate and monitor the findings of the initial inspection, survey, or investigation; and
  - ensure HHSC is citing and punishing institutional deficiencies consistently across Texas; and
- prohibit HHSC from imposing additional punitive actions for a deficiency cited during a follow-up inspection if the deficiency is corrected within the time specified by rule of the executive commissioner of HHSC.

H.B. 1423 requires HHSC to take the following actions relating to its regulation of those institutions:

- not later than January 31 of each year, evaluate its capacity to regulate the institutions and formulate a strategy to effectively perform licensing duties, enforcement activities, and complaint investigations for that year;

- continue to regularly evaluate its capacity to regulate the institutions and implement corrective measures as necessary;
- monitor its staffing of employees who perform inspections, surveys, or investigations of the institutions and fill any vacant positions as soon as possible; and
- not later than January 1 of each year, evaluate its compliance during the previous year with applicable inspection requirements.

**EFFECTIVE DATE**

September 1, 2021.