

BILL ANALYSIS

H.B. 413
By: Perez
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Many nursing and assisted living facilities market themselves as "memory care facilities" or something similar, which can be misleading to residents and their family members. Currently, these facilities are not required to disclose whether they are state-certified or licensed to provide care to patients with Alzheimer's disease and related disorders. Facilities that are certified or licensed by the state require additional staff training, offer specialized care and activities to residents with these disorders, and meet specific facility safety requirements. Although facilities are not required to have a state certification or licensure to care for patients with Alzheimer's disease and related disorders, those seeking care for themselves or a loved one should be given full disclosure as to whether a facility is certified or licensed in this respect. H.B. 413 seeks to ensure that information on certification and licensure status is more readily available by requiring that information to be disclosed to residents and those applying for services from a given facility or their next of kin or guardian, as applicable.

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

H.B. 413 amends the Health and Safety Code to remove the requirement for an applicable institution that promotes it provides care for residents with Alzheimer's disease and related disorders to include in its disclosure statement regarding the care and treatment of those residents whether the institution is certified under state law to provide specialized care and treatment of residents with Alzheimer's disease and related disorders. The bill requires a nursing facility instead to prepare and distribute to each facility resident and to each person applying for services from the facility or the person's next of kin or guardian a written notice disclosing whether or not the facility has such certification.

H.B. 413 repeals a requirement for each assisted living facility to include in its consumer disclosure statement whether or not the facility holds a license classified for the provision of personal care services to residents with Alzheimer's disease or related disorders and requires such a facility to provide instead to each facility resident written notice disclosing whether or not the facility holds such a license.

H.B. 413 requires the executive commissioner of the Health and Human Services Commission to adopt rules to implement the bill's provisions.

H.B. 413 repeals Section 247.026(c-1), Health and Safety Code.

EFFECTIVE DATE

September 1, 2021.