

SUBJECT: Allowing announced monitoring visits to long-term care facilities

COMMITTEE: Human Services — committee substitute recommended

VOTE: 7 ayes — Hupp, Eissler, A. Allen, J. Davis, Gonzalez Toureilles, Naishtat, Reyna
0 nays
2 absent — Goodman, Paxton

SENATE VOTE: On final passage, April 14 — 31-0, on Local and Uncontested calendar

WITNESSES: (*On original version:*)
For — Will Brown, AARP of Texas; Gavin Gadberry, Texas Health Care Association; (*Registered, but did not testify:* Hilary Dennis, Texas Medical Association; Carole Smith, Private Providers Association of Texas)

Against — Beth Ferris, Texas Advocates for Nursing Home Residents; Susan Murphree, Advocacy Inc., Texas Mental Health Consumers, Texas Association of Centers for Independent Living; (*Registered, but did not testify:* Joe Sanchez, AARP of Texas; Amy Witherite, Texas Trial Lawyers)

On — Don Henderson, Department of Aging and Disability Services; (*Registered, but did not testify:* Leslie Cortes, Department of Aging and Disability Services)

BACKGROUND: Texas regulates long-term care facilities through licensing and ongoing assessment in the form of unannounced visits by the Department of Aging and Disability Services (DADS).

DIGEST: CSSB 874 would allow DADS to make announced or unannounced visits to long-term care facilities for monitoring purposes.

The bill would take effect September 1, 2005.

**SUPPORTERS
SAY:**

CSSB 874 appropriately would allow DADS to make announced visits, in addition to unannounced visits, to long-term care facilities because announced visits can be more constructive in certain cases. An announced visit would allow key staff members at the facility to be present and available to meet at length with investigators, thus enabling staff to properly understand any violations or corrective action needed. The goal of visits, whether announced or unannounced, is to improve the quality of care.

No evidence collected or event witnessed by a monitor should be exempt from use in a court case. The Senate version of this bill improperly would have exempted such information. The House committee substitute does not include that exemption, and lawmakers should ensure that any evidence noted by a monitor could indeed be used in a court proceeding.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

The committee substitute removed a provision from the Senate-passed version that would have limited admissibility of findings from a monitoring visit in court cases.