

**SUBJECT:** Exit conference requirements following DADS provider/facility surveys

**COMMITTEE:** Human Services — favorable, without amendment

**VOTE:** 7 ayes — Rose, S. King, J. Davis, Eissler, Herrero, Hughes, Naishtat

0 nays

2 absent — Parker, Pierson

**SENATE VOTE:** On final passage, March 28 — 30-0, on Local and Uncontested Calendar

**WITNESSES:** For — Michael Crowe, Texas Assisted Living Association; Sid Rich, Texas Association of Residential Care Communities; (*Registered, but did not testify*: Leticia Caballero, Texas Health Care Association; Richard Hernandez, Educare Community Living; Carole Smith, Private Providers Assoc of Texas; Heather Vasck, Texas Association for Home Care)

Against — None

**BACKGROUND:** Providers and facilities that are licensed by the Department of Aging and Disability Services (DADS) are subject to inspection by the department following a complaint or as part of the licensing process.

Health and Safety Code, ch. 142 regulates home and community support services agencies (HCSSAs), which are defined as entities that provide home health, hospice, or personal assistance services for pay or other consideration in a client's residence, an independent living environment, or another appropriate location. Health and Safety Code, ch. 242 regulates convalescent or nursing homes. Ch. 247 regulates assisted living facilities, and ch. 252 regulates intermediate care facilities for the mentally retarded (ICF/MRs).

Sec. 142.009 requires the DADS representative to meet with the administrator of the HCSSA before beginning an on-site survey to explain the nature and scope of the survey and again upon completion of the survey to report the department's preliminary findings to the administrator.

When DADS performs an inspection of a nursing home, assisted living facility, or ICF/MR, the inspector holds an exit conference to provide a written list of violations with the facility at that time. If any additional violations surface during the department's review of field notes or preparation of the official final list, the department must hold an additional exit conference with the facility regarding the newly identified violations.

**DIGEST:**

SB 344 would change the requirements for exit conferences held by DADS following an investigation or survey of HCSSAs, nursing homes, assisted living facilities, and ICF/MRs.

At the conclusion of a survey or complaint investigation, sec. 142.009 would require DADS to hold an exit conference at which the HCSSA administrator would receive a written list of the department's preliminary findings. Following the survey, DADS also would provide specific and timely notice of the official findings to the administrator. If DADS discovered any additional violations during the review of field notes or preparation of the official statement of deficiencies for the HCSSA, the department would be required to conduct another exit conference regarding the new violations. The additional exit conference would have to be held in person and not by telephone, fax, or e-mail.

The bill also would amend sections of the Health and Safety Code that govern inspections of nursing homes (sec. 242.0445), assisted living facilities (sec. 247.0271), and ICF/MRs (sec. 252.044) to stipulate that:

- an additional exit conference, following the identification of new violations, would have to be held in person and not by telephone, fax, or e-mail; and
- the facility would be required to submit a plan to correct the violations to the regional director no later than 10 working days after the date the facility received the final official statement of violations.

The bill would take effect September 1, 2007.

**SUPPORTERS  
SAY:**

SB 344 would help improve communication between the DADS survey team and the facility or provider under review. If DADS discovered new violations after the initial visit, the bill would require it to hold an exit conference in person with the provider or facility to ensure that the subject of the investigation was made aware of the new violations and able to

remediate them in a timely fashion. Exit conferences are a valuable tool for the provider or facility to address problems and improve operations, and should focus on education as well as enforcement of Health and Safety Code rules. As such, it is very important to conduct these meetings face-to-face to ensure clear communication. With state licensure and financial penalties at stake for providers and facilities, these entities should have every opportunity to fully understand the areas in which they need to improve.

**OPPONENTS  
SAY:**

SB 344 would create more work for the survey teams by requiring additional face-to-face exit conferences. In many cases, providers and facilities regard written explanations from DADS as sufficient. Instead of requiring DADS to perform in-person exit conferences in every case, the bill should allow providers and facilities to request such conferences when necessary.