

SUBJECT: Specifying informal dispute resolution between HHSC and nursing homes

COMMITTEE: Human Services — committee substitute recommended

VOTE: 7 ayes — Frank, Hinojosa, Clardy, Klick, Meza, Miller, Noble

0 nays

2 absent — Deshotel, Rose

WITNESSES: For — Gavin Gadberry, Texas Health Care Association; (*Registered, but did not testify*: David Thomason, LeadingAge Texas; Diana Martinez, Texas Assisted Living Association; Lara Cline, Texas Healthcare Association)

Against — None

On — David Kostroun and Allison Levee, Health and Human Services Commission

BACKGROUND: Government Code sec. 531.058 establishes a process for resolving informal disputes between the Health and Human Services Commission (HHSC) and long-term care facilities.

DIGEST: CSHB 2205 would expand requirements for the informal dispute resolution process for disputes between the Health and Human Services Commission (HHSC) and long-term care facilities.

Under the bill, the informal dispute resolution process would have to require the surveyor who prepared a statement of violations that was the subject of dispute to be available to clarify or answer questions asked by the facility or person reviewing the dispute. The process also would have to require that for standard of care violations, HHSC's review of the institution's or facility's information dispute resolution request be conducted by a registered nurse with experience in long-term care.

If HHSC or its representative conducting an inspection, survey, or investigation identified a violation that constituted immediate jeopardy to the health or safety of a resident, HHSC would have to immediately notify the facility's management and an HHSC representative would have to remain in or be accessible to the facility until HHSC received the facility's plan of removal related to the violation.

If a state agency determined that a waiver or authorization from a federal agency was necessary for implementation of any provision of the bill, the state agency would be required to request the waiver and would be permitted to delay implementation of the provision until the waiver or authorization was granted.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.