

- SUBJECT:** Allowing HHSC to conduct follow-up inspections of nursing facilities
- COMMITTEE:** Human Services — favorable, without amendment
- VOTE:** 9 ayes — Frank, Hinojosa, Hull, Klick, Meza, Neave, Noble, Rose, Shaheen
- 0 nays
- WITNESSES:** For — Cissy Sanders; (*Registered, but did not testify:* Amanda Fredriksen, AARP; Thomas Parkinson)
- Against — (*Registered, but did not testify:* Roland Leal, Independent Coalition of Nursing Homes; George Linial, LeadingAge Texas)
- BACKGROUND:** Health and Safety Code ch. 242, subch. B governs inspections for convalescent and nursing facilities and related institutions. Sec. 242.043(a) authorizes the Department of Aging and Disability Services (DADS) or the department's representative, to make any inspection, survey, or investigation that it considers necessary and may enter an institution's premises at reasonable times to make an inspection, survey, or investigation in accordance with department rules. Sec. 242.044(a) allows DADS to conduct at least two unannounced inspections of each institution for each licensing period.
- The 84th Legislature in 2015 enacted SB 200 by Nelson, which abolished certain agencies and transferred their functions to the Health and Human Services Commission (HHSC). On September 1, 2017, DADS was abolished and its functions were transferred to HHSC. After September 1, 2017, HHSC began regulating long-term care facilities.
- Concerns have been raised that some long-term care facilities struggle with maintaining proper facility standards and adequate staffing capacity. Suggestions have been made to improve oversight of long-term care facilities, ensuring those facilities are properly maintained and have enough staff to care for vulnerable Texans.

DIGEST: HB 1423 would authorize the Health and Human Services Commission (HHSC) or the commission's representative to conduct a follow-up inspection of a convalescent or nursing facility after conducting an inspection, survey, or investigation of the institution under current law to:

- evaluate and monitor the findings of the initial inspection, survey, or investigation; and
- ensure the commission was citing and punishing institutional deficiencies consistently across the state.

If an institution corrected a deficiency cited during a follow-up inspection within the time specified by executive commissioner rule, the commission could not impose additional punitive actions for the deficiency.

By January 31 of each year, HHSC would be required to evaluate its capacity to regulate convalescent and nursing institutions and formulate a strategy to effectively perform licensing duties, enforcement activities, and complaint investigations for that year.

The bill would require the commission to regularly evaluate its capacity to regulate convalescent and nursing institutions and implement corrective measures as necessary. The bill also would require the commission to monitor its staffing of employees who performed inspections, surveys, or investigations of institutions and fill any vacant positions as soon as possible.

By January 1 of each year, the commission would be required to evaluate its compliance with the bill's provisions in the previous year.

The bill would make certain conforming changes under current law.

The bill would take effect September 1, 2021.