

- SUBJECT:** Requiring Internet posting of information about the state ombudsman
- COMMITTEE:** Human Services — committee substitute recommended
- VOTE:** 8 ayes — Frank, Hinojosa, Hull, Meza, Neave, Noble, Rose, Shaheen  
0 nays  
1 absent — Klick
- WITNESSES:** For — Mary Nichols, Texas Caregivers for Compromise; Cissy Sanders; (*Registered, but did not testify:* Amanda Fredriksen, AARP; Sydney Thomas, Alzheimers Association; Patricia Ducayet, Office of the State Long-term Care Ombudsman; Thomas Parkinson)  
  
Against — Diana Martinez, Texas Assisted Living Association; (*Registered, but did not testify:* Logan Spence, Creative Solutions in Healthcare; George Linial, LeadingAge Texas)  
  
On — Deseray Matteson, THCA; (*Registered, but did not testify:* Victoria Grady, Health and Human Services Commission)
- BACKGROUND:** 40 TAC sec. 19.403 requires that a licensed nursing facility provide a resident upon admission, in a language the resident understands, with a written description of the services available through the Ombudsman Program. The nursing facility must post a copy of this document in a conspicuous location.  
  
26 TAC sec. 553.15 governs the resident bill of rights for licensed assisted living facilities, which specifies that a resident has the right to have access to the State Ombudsman. An assisted living facility must post the bill of rights in a prominent place in the facility and written in the primary language of each resident, as well as provide a copy of the bill of rights to each resident.
- DIGEST:** CSHB 3961 would require a licensed nursing facility, a licensed assisted

living facility, or any other long-term care facility under the jurisdiction of the state's long-term care ombudsman to post information on the facility's website about the state's Office of the Long-Term Care Ombudsman, including the office's contact information and information on the office's role as an advocate for residents of long-term care facilities.

The bill would take effect September 1, 2021.

**SUPPORTERS  
SAY:**

CSHB 3961 would address concerns about long-term care facility residents' and their families' access to information on the Office of the Long-Term Care Ombudsman by requiring that certain information related to the office be posted on the websites of long-term care facilities. The Office of the Long-Term Care Ombudsman is responsible for advocating for the rights of long-term care facility residents, providing free and confidential services to residents and their family members.

During the COVID-19 pandemic, long-term care facilities were under visitation restrictions, which led to a situation where residents may not have been able to have end-of-life visitations with loved ones, were quarantined for longer than necessary, and were denied use of their personal property and other activities regularly engaged in by residents. Many families dealing with such issues reported that they were unaware of the services offered by the office.

Texas currently requires a long-term care facility to post Ombudsman Program contact information in a physical location within a facility and to inform a resident of the program at the time of admission, but these requirements were not sufficient during the pandemic due to the inability of many family members and guardians to access facilities. Further, even though a resident is provided, upon admission, with printed information regarding the office, the volume of all of the admission information received could cause this critical advocacy resource to be overlooked.

CSHB 3961 would bring notice requirements regarding the ombudsman office into the 21st century by requiring that certain information about the

office be accessible through the websites of long-term care facilities. This would give family members, guardians, and others who care about long-term facility residents ease of access to information about the ombudsman office going forward.

Any monetary cost necessary for a facility to comply with the bill's provisions would be negligible, as a facility would have until the bill's effective date to modify its website and would be provided with the information necessary for compliance by the ombudsman office.

**CRITICS  
SAY:**

CSHB 3961 would impose an additional regulation on long-term care facilities for an issue that already is addressed by Texas regulations. Licensed long-term care facilities are required to post information regarding the Texas Long-Term Care Ombudsman Office in a physical location within a facility, as well as to provide a resident with the information upon arrival. Long-term care facilities often have limited space for posting information on their websites due to other essential information that needs to be posted there, and requiring posting of information regarding the ombudsman office would be redundant.