

SUBJECT: Requiring certain facilities to disclose Alzheimer's care certification status

COMMITTEE: Human Services — favorable, without amendment

VOTE: 6 ayes — Frank, Hinojosa, Hull, Neave, Noble, Shaheen

1 nay — Klick

2 absent — Meza, Rose

SENATE VOTE: On final passage, March 29 — 30-1 (Springer)

WITNESSES: *On House companion bill, HB 413:*

For — Sydney Thomas, Alzheimer's Association; (*Registered, but did not testify*: Amanda Fredriksen, AARP; Patricia Ducayet, Office of the State Long-Term Care Ombudsman; Diana Martinez, Texas Assisted Living Association; Dan Finch, Texas Medical Association)

Against — None

On — Michelle Dionne-Vahalik, Health and Human Services Commission; Kevin Warren, Texas Health Care Association; (*Registered, but did not testify*: Andy Vasquez, Health and Human Services Commission)

BACKGROUND: Health and Safety Code sec. 242.040 requires the Department of Aging and Disability Services (DADS) to establish a system for certifying nursing facilities and related institutions that meet certain standards for the specialized care and treatment of people with Alzheimer's disease and related disorders.

Sec. 242.202 requires an institution that advertises the provision of services for Alzheimer's disease and related disorders to disclose to prospective residents the nature of its care or treatment. The disclosure must include whether the institution is certified by DADS for the provision of specialized care and treatment of residents with Alzheimer's

disease and related disorders.

Sec. 247.029 requires DADS to establish a classification and license for an assisted living facility that advertises personal care services to residents who have Alzheimer's disease or related disorders. Facilities are required to disclose whether they hold that license.

The 84th Legislature in 2015 enacted SB 200 by Nelson, which abolished certain agencies, including DADS, and transferred their functions to the Health and Human Services Commission (HHSC). On September 1, 2017, the functions of DADS were transferred to HHSC, and HHSC began regulating long-term care facilities.

DIGEST:

SB 383 would require nursing facilities to provide a written notice to each facility resident disclosing whether or not the facility was certified by the Department of Aging and Disability Services (DADS) for the provision of specialized care and treatment of residents with Alzheimer's disease and related disorders. This notice also would have to be provided to each person applying for services from the facility or the person's next of kin or guardian.

The bill would require assisted living facilities to provide written notice to each facility resident disclosing whether or not the facility held a license issued by DADS for the provision of personal care services to residents with Alzheimer's disease or related disorders.

As soon as practicable after the bill's effective date, the executive commissioner of the Health and Human Services Commission would have to adopt rules to implement the bill.

The bill would take effect September 1, 2021.

**SUPPORTERS
SAY:**

SB 383 would strengthen consumer protections and transparency by requiring nursing homes and assisted living facilities to provide written notice to current and prospective residents on whether or not the facilities were certified to provide specialized Alzheimer's care. Clarifying existing

disclosure requirements would help prevent fraudulent or deceptive advertising toward vulnerable populations with Alzheimer's and related disorders.

Hundreds of thousands of Texans have been diagnosed with Alzheimer's, and the state has one of the highest number of Alzheimer's-related deaths in the country. However, few licensed nursing facilities in the state are certified for the care of Alzheimer's patients. Facilities that market themselves as "memory care" facilities and are not licensed by the state for Alzheimer's care may be giving consumers a false impression of their qualifications.

By clarifying the requirement that facilities must disclose their Alzheimer's care certification status to current and prospective residents, SB 383 would ensure that families were sufficiently informed about facilities' qualifications when looking for appropriate long-term care for their loved ones.

CRITICS
SAY:

SB 383 could duplicate existing disclosure requirements for nursing homes and assisted living facilities by requiring them to disclose to prospective residents whether they were certified for the care of Alzheimer's patients. In addition, families currently may request information on a facility's services when they are deciding which facility would provide the best care for their loved ones.

OTHER
CRITICS
SAY:

To improve transparency efforts, SB 383 also should require "memory care" facilities that advertise the provision of memory care services to disclose to current and prospective residents whether or not a facility is certified to provide specialized care and treatment to persons with Alzheimer's disease and related disorders.

NOTES:

The House companion bill, HB 413 by Perez, was reported favorably from the House Committee on Human Services on April 9 and sent to the House Committee on Calendars on April 22.