

BILL ANALYSIS

Senate Research Center

H.B. 2321
By: Palmer (Lucio)
Health & Human Services
5-16-97
Engrossed

DIGEST

Since 1983, the Texas Department of Human Services (department) has been required to enforce a moratorium on the certification of Medicaid beds for nursing homes. This policy has effectively prevented any non-Medicaid-certified nursing homes from entering the program. As a result, elderly residents at these facilities whose private funds are exhausted are being forced to relocate to certified homes that may provide less quality care. In addition, the moratorium has prevented quality, Medicaid facilities with high occupancy rates from requesting new beds. This bill will provide regulations regarding nursing home bed certification and decertification.

PURPOSE

As proposed, H.B. 2321 provides regulations regarding nursing home bed certification and decertification.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Department of Human Services in SECTION 1 (Section 32.0213(a), Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 32B, Human Resources Code, by adding Section 32.0213, as follows:

Sec. 32.0213. NURSING HOME BED CERTIFICATION AND DECERTIFICATION. Requires the Texas Department of Human Services (department), by rule, to establish procedures to certify and decertify unoccupied nursing home beds in accordance with this section. Requires a nursing facility, to be eligible for certification of additional nursing home beds, to maintain for those beds an annual average occupancy rate of at least 80 percent during the one year preceding the date of the request for certification. Authorizes the department to decertify nursing home beds under this section if the nursing facility fails to maintain for those beds an annual average occupancy rate of at least 80 percent during the one year preceding the date on which the decertification is effective. Authorizes the department to waive for a newly certified Medicaid nursing facility the occupancy rate requirement prescribed by Subsection (b) or (c).

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.