

## **BILL ANALYSIS**

Senate Research Center

S.B. 1825  
By: Van de Putte  
Health & Human Services  
5/14/2003  
As Filed

### **DIGEST AND PURPOSE**

As proposed, S.B. 1825 amends current provisions in the Health and Safety Code relating to the regulation of certain assisted living facilities, convalescent and nursing homes, including allowing nursing home facilities and assisted living facilities an appeal mechanism to the Long-Term Care Legislative Oversight Committee, when they allege that rules being proposed or enacted, are in conflict with legislative intent; the use of electronic monitoring devices; and exit conferences regarding certain violations.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 242.653, Health and Safety Code, as follows:

- (a) Requires the long-term care legislative oversight committee (committee) to, at the written request of a duly constituted Section 501(c) nonprofit association, convene a public hearing for the purpose of receiving testimony with regard to a rule proposed or adopted by the Texas Department of Human Services (DHS) relating to nursing facilities and to assisted living facilities when it is alleged that the rule is in conflict with the intent of the legislature as expressed forth in this chapter and Chapter 247.
- (c) Authorizes the committee, on a vote of a majority of the members, to send to DHS and the Health and Human Services Commission (HHSC) a statement that the committee has determined that a rule proposed or adopted by DHS or HHSC is in conflict with legislative intent. Authorizes the statement to indicate the nature of the conflict identified by the committee and request that HHSC review the rule under Section 531.034, Government Code.
- (d) Created from existing text.
- (e)-(g) Redesignates Subsections (d)-(f) as (e)-(g).

SECTION 2. Amends Section 247.003, Health and Safety Code, by amending Subsection (a) and adding Subsection (c), as follows:

- (a) Makes a conforming change.
- (c) Provides that Subchapter O, Chapter 242, applies to legislative oversight of DHS actions relating to the assisted living facility regulatory system of this state in the same manner that it applies to legislative oversight of DHS action relating to the nursing facility regulatory system of this state.

SECTION 3. Amends Section 531.034(b), Government Code, to require HHSC to review agency rules at the request of the long-term care legislative oversight committee.

SECTION 4. Amends Section 242.852, Health and Safety Code, by adding Subsection (c) to provide that a person who covertly uses or who authorizes the covert use of an electronic monitoring device, as described in Section 242.843, in the room of a resident of an institution commits an offense. Provides that an offense under this section is a Class B misdemeanor.

SECTION 5. Amends Section 242.0372, Health and Safety Code, by adding Subsection (f) to provide that this section takes effect September 1, 2005.

SECTION 6. Amends Sections 242.0445(b) and (c), Health and Safety Code, as follows:

(b) Provides that a telephone conference between DHS or DHS's representative and the facility regarding additional violations is not sufficient to satisfy DHS's responsibility for an additional exit conference in person.

(c) Requires the facility, following an additional exit conference, if applicable, to submit a plan to correct the violations to the regional director not later than the 10th working day after the date the facility receives the final official statement of violations.

SECTION 7. Amends Section 247.0271, Health and Safety Code, by amending Subsection (c) and adding Subsection (d), to make conforming changes.

SECTION 8. Repealer: Section 6.02, Chapter 1284, Acts of the 77th Legislature, Regular Session, 2001.

SECTION 9. Effective date: September 1, 2003.