

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1503
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Health & Human Services
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Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

In the past, the predecessor agency to the Department of Aging and Disability Services often added violations to a nursing home's or assisted living facility's official final list of violations without having discussed these violations with the facility representative at the exit conference. The Texas Legislature attempted to address this problem by requiring an additional exit conference if additional violations were discovered during the review of field notes or preparation of the final official list of violations.

However, on occasion, the department has attempted to comply with the requirement for an additional exit conference simply by calling the facility's representative by telephone. C.S.H.B. 1503 clarifies that a telephone call, a facsimile transmission, or electronic mail will not satisfy the requirement for an additional exit conference. The exit conference must be held in person.

The bill also clarifies and makes consistent the statutory provisions concerning nursing homes and assisted living facilities relating to the submission of a corrective action plan to address the final official statement of 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 Sections 242.0445(b) and (c), Health and Safety Code, as follows:

(b) Requires that an additional exit conference [following an inspection of a nursing home or assisted living facility] be held in person and prohibits it from being held over the telephone, by e-mail, or by fax.

(c) Requires the facility to submit a plan to correct the violations to the regional director not later than 10th working day after the date the facility receives the final official statement of violations.

SECTION 2. Amends Section 274.0271, Health and Safety Code, by amending Subsection (c) and adding Subsection (d), as follows:

(c) Makes conforming changes.

(d) Requires the assisted living facility to submit a plan of correction to the regional director with supervisory authority over the inspector not later than the 10th working day after the date the facility receives the final official statement of violations.

SECTION 3. Amends Sections 252.044(b) and (c), Health and Safety code, to make conforming changes.

[While the statutory reference in this bill is to Texas Department of Health, the following amendment affect the Department of State Health Services, as the successor agency to the Texas Department of Health.]

SECTION 4. Amends Section 142.009(f), (g), (h), (i), and (j), Health and Safety Code, as follows:

(f) Requires the Texas Department of Health (department), at the conclusion of a survey or complaint investigation, to fully inform the person who is in charge of the home and community support services agency of the preliminary findings of the survey at an exit conference and to give the person a reasonable opportunity to submit additional facts or other information to the department's authorized representative in response to those findings. Requires the department's representative to leave a written list of the preliminary findings with the home and community support services agency at the time of the exit conference.

(g) Requires the department, after a survey of a home and community support services agency by the department, to provide to the chief executive officer of the agency specific and timely written notice of the official, rather than preliminary, findings of the survey, including certain information.

(h) Requires the department or the department's representative, if the department or the department's representative discovers any additional violations during the review of field notes or preparation of the official statement of deficiencies, to give the home and community support services agency an additional exit conference regarding the additional violations. Requires an additional exit conference to be held in person and prohibits it from being held over the telephone, by mail, or by fax.

(i) Redesignated from Subsection (h).

(j) Makes a conforming change.

SECTION 5. Effective date: September 1, 2005.