

## **BILL ANALYSIS**

Senate Research Center  
79R659 MSE-D

S.B. 48  
By: Nelson  
Health & Human Services  
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As Filed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

The Centers for Medicare and Medicaid Services requires nursing facilities certified to accept Medicare or Medicaid beneficiaries to complete and transmit information that provides the basis for comprehensive assessments of long-term care residents and for monitoring quality of care. This information is referred to as the Minimum Data Set.

However, without a state law, this reporting requirement does not apply to licensed-only nursing facilities not participating in Medicare or Medicaid, nor to individuals residing in non-certified units of nursing homes. Without this information, the Department of Aging and Disability Services is unable to systematically study or report on resident outcomes in all nursing facilities. Moreover, without the data on non-Medicaid and non-Medicare residents, the Department of Aging and Disability Services is unable to provide consumers evaluating long-term care services with a complete picture of the quality of care provided to residents.

S.B. 48 requires the Department of Aging and Disability Services to adopt rules on information necessary to improve the quality of care in nursing homes, including Minimum Data Set reports.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Department of Aging and Disability Services in SECTION 1 (Section 242.049(c), Health and Safety Code) of this bill.

[While the reference in the bill as written is to the Department of Aging and Disability Services (DADS), as successor agency to the Department of Human Services, rulemaking authority for DADS rests in the executive commissioner of the Health and Human Service Commission under Section 531.0055, Government Code.]

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 242.049(c), Health and Safety Code, to require, rather than authorizing, the Texas Department of Aging and Disability (DADS) to adopt rules requiring all licensed nursing homes in the state to submit information designated by DADS, including minimum data set reports, as necessary to improve the quality of care in nursing homes. Provides that information collected under this subsection that is also collected under federal law is subject to the other provisions of this section only to the extent consistent with federal law.

SECTION 2. Effective date: September 1, 2005.