

## BILL ANALYSIS

Senate Research Center  
79R505 MSE-D

S.B. 52  
By: Nelson  
Health and Human Services  
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As Filed

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

Currently, the quality of life competitive grant program partially pays for the development of a project designed to serve as a model of best practices for the nursing home industry. No program exists to disseminate nursing home best practices for improving resident quality of life. Innovation grants will enable facilities that have developed and implemented a quality improvement innovation to highlight and educate others on their innovations.

As proposed, S.B. 52 creates a separate grant program to promulgate quality of life innovations that serve as a model of best practices. The bill requires the Department of Aging and Disability Services to competitively award these grants based on academic soundness and proven, quantifiable effectiveness, and to monitor grantee compliance with program guidelines.

### RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Department of Human Services is modified in SECTION 3 (Section 242.405, Health and Safety Code) of this bill.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 242, Health and Safety Code, by adding Section 242.0695, as follows:

Sec. 242.0695. USE OF ADMINISTRATIVE PENALTY. Authorizes money from an administrative penalty to be appropriated to fund grant programs under Section 242.405 (Competitive Grant Programs For Institutions).

SECTION 2. Amends the heading to Section 242.405, Health and Safety Code, to read as follows:

Sec. 242.405. COMPETITIVE GRANT PROGRAMS FOR INSTITUTIONS.

SECTION 3. Amends Section 242.405, Health and Safety Code, Subsections (b), (c), (d), and (e) and adding Subsections (a-1) and (d-1), as follows:

[While the statutory reference in this bill is to the Texas Department of Human Services, the following amendments affect the Department of Aging and Disability Services and the Health and Human Services Commission, as the successor agencies to the Department of Human Services.]

(a-1) Requires the Texas Department of Human Services (department) to establish a competitive grant program for an institution to promulgate quality of life innovations developed for its residents that serve as a model of best practices for the industry. Provides that the purpose of the grant program is to pay part of the cost for an institution to advise other institutions on implementing quality of life innovations at their respective facilities. Authorizes the grant recipient to use money only for activities directly related to the purpose of grant program, and prohibits the use of grant money for fees or other certain activities. Requires the department to monitor the expenditure of grant money to ensure the money is being used for intended purpose.

(b) Makes a conforming change.

(c) Requires the department to establish guidelines for the grant programs, by rule, including guidelines that specify the criteria the department will follow in evaluating proposals, including a criterion that grant proposals be evaluated on academic soundness and proven, quantifiable effectiveness. Makes conforming and nonsubstantive changes.

(d) Requires the department to award each grant under contract authorizing the department to recoup grant money and impose administrative penalties for failure of a grant recipient to comply with the program guidelines and the contract. Requires, rather than authorizes, a contract to detail reports that grant recipients must file and monitoring of the project that the recipient must allow.

(d-1) Requires the department to develop procedures to enforce the grant recipient's compliance with the program guidelines and the grant contract, and to monitor grant recipient compliance on a quarterly basis.

(e) Makes a conforming change.

SECTION 4. Provides that the intent of the legislature is to require the Department of Aging and Disability Services to administer the grant programs authorized by Section 242.405, Health and Safety Code, as amended by this Act, with the employees and resources available on the effective date of this act.

SECTION 5. Effective date: September 1, 2005.