

BILL ANALYSIS

Senate Research Center
79R11024 MSE-D

C.S.S.B. 874
By: Nelson
Health & Human Services
4/6/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, quality monitoring visits performed by the Department of Aging and Disability Services (DADS) under Section 225.001, Health and Safety Code, are required to be unannounced. Because visits must be unannounced, nursing facility staff, who would benefit from discussing areas of improvement with DADS, may not be present at the time of a visit.

C.S.S.B. 874 increases the overall effectiveness of quality-of-care monitoring visits by ensuring that quality monitors have access to key nursing facility staff in order to improve the care of nursing home residents. C.S.S.B. 874 also continues to authorize unannounced visits so that DADS may still be able to detect conditions that could be detrimental to the health, safety, and welfare of residents in long-term care facilities.

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 255.001(1), Health and Safety Code, to redefine "department."

SECTION 2. Amends Sections 255.003, Health and Safety Code, by amending Subsections (a) and (f) and adding Subsection (k), as follows:

(a) Deletes existing text requiring monitoring under this section to be unannounced and authorizes a monitoring visit conducted under this chapter to be announced or unannounced.

(f) Sets forth certain requirements for the quality-of-care monitor to include in a monitoring, rather than assessment, visit.

(k) Provides that, notwithstanding Section 32.060(c), Human Resources Code, as added by Chapter 204, Acts of the 78th Legislature, Regular Session, 2003, or Section 242.017(c), the findings of a monitoring visit are not subject to civil discovery or admissible in evidence in a civil action in any court and that this subsection does not apply to an enforcement action in which the state or any agency or political subdivision of the state is a party.

SECTION 3. Effective date: September 1, 2005.