

BILL ANALYSIS

Senate Research Center
80R2839 YDB-F

S.B. 344
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Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Department of Aging and Disability Services is the state agency responsible for inspecting nursing homes, assisted living facilities, and related institutions. At the conclusion of an inspection, the inspector is required to have an exit conference with a representative of the facility, during which the inspector will review the findings of the inspection. If, after leaving the facility, the inspector discovers any additional violations while reviewing field notes or preparing the official final list, an additional exit conference is required.

As proposed, S.B. 344 requires that additional exit conferences to be held in person so that facility operators may become fully aware of new violations discovered after the initial visit and exit conference.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

[While the statutory reference in this bill is to the Texas Department of Human Services (DHS), the following amendments affect the Department of Aging and Disability Services, as the successor agency to DHS.]

SECTION 1. Amends Sections 242.0445(b) and (c), Health and Safety Code, as follows:

(b) Requires an additional exit conference to be held in person, and prohibits said conference from being held by telephone, e-mail, or fax, if the Texas Department of Human Services (DHS) or its representatives find additional violations during the review of field notes or in preparation of the official final list at the conclusion of an inspection, survey, or investigation stemming from an inspection, announced or unannounced, of a convalescent or nursing home, or any related institution.

(c) Requires the nursing home, convalescent home, or the related institution cited for violations to submit a plan to correct said violations no later than the 10th working day after the date of the facility's receipt of the final official statement of violations, rather than the final statement of violations.

SECTION 2. Amends Section 247.0271, Health and Safety Code, by amending Subsection (c) and adding Subsection (d), as follows:

(c) Requires an additional exit conference to be held in person, and prohibits said conference from being held by telephone, e-mail, or fax, if additional violations are cited after the initial exit conference.

(d) Requires the assisted living facility to submit a plan of correction to the regional director with supervisory authority over the inspector no later than the 10th working day after the date of the facility's receipt of the final official statement of violations.

SECTION 3. Amends Sections 252.044(b) and (c), Health and Safety Code, as follows:

(b) Requires an additional exit conference to be held in person, and prohibits said conference from being held by telephone, e-mail, or fax, if DHS or its representatives find additional violations during the review of field notes or in preparation of the official final list at the conclusion of an inspection, survey, or investigation stemming from an inspection, announced or unannounced, of intermediate care facilities for the mentally retarded.

(c) Requires the intermediate care facility for the mentally retarded to submit a plan of correction to the regional director with supervisory authority over the inspector no later than the 10th working day, rather than the 10th day, after the date of the facility's receipt of the final official statement of violations, rather than the final statement of violations.

SECTION 4. Effective date: September 1, 2007.