

## **BILL ANALYSIS**

Senate Research Center  
83R17457 AED-F

H.B. 1971  
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Health & Human Services  
5/8/2013  
Engrossed

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

The need for assisted living continues to grow as more people seek an independent living residence. Recently enacted legislation allows an assisted living facility to obtain a third-party accreditation in lieu of an inspection by the state if the accreditation meets certain minimum standards and conditions. Two organizations, the Commission on Accreditation of Rehabilitation Facilities (CARF) and The Joint Commission, formerly known as the Joint Commission on Accreditation of Healthcare Organizations, were identified as nationally recognized accreditation organizations with the standards and conditions that could potentially accommodate such third-party accreditation. The legislature later added provisions that allowed the approval of other organizations that could meet the statutory requirements.

As state resources become scarce and the demand for new facilities grows, there is a concern that, because The Joint Commission no longer participates in assisted living accreditation, the ability to conduct timely accreditation of new facilities has become more difficult. To find a solution, assisted living facility owners reached out to the Department of Aging and Disability Services (DADS) to find alternatives that would protect the safety of residents while allowing the timely opening of new facilities. The Texas Assisted Living Association has been working with DADS to determine whether a CARF accreditation process could work in Texas. Industry experts assert that the practice seems to have potential and that assisted living facility owners are willing to pay the fees associated with CARF accreditation and to work with DADS to establish an accreditation pilot program. Interested parties contend that such an accreditation process would protect the safety of assisted living residents and could have the added benefit of potentially freeing additional resources for DADS in its efforts to strengthen other areas of long term care regulation.

H.B. 1971 seeks to address the needs of elderly Texans and achieve growth and modernization of assisted living in Texas by providing for the development of a pilot program to authorize certain accreditation surveys of assisted living facilities.

H.B. 1971 amends current law relating to a pilot program conducted by the Department of Aging and Disability Services to authorize certain accreditation surveys of assisted living 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 Subchapter B, Chapter 247, Health and Safety Code, by adding Section 247.033, as follows:

Sec. 247.033. ACCREDITATION SURVEY PILOT PROGRAM. (a) Authorizes the Department of Aging and Disability Services (DADS) to develop and implement a pilot program to authorize the use of an accreditation survey that complies with Section 247.032(b) (relating to requiring DADS to accept a certain accreditation survey or a certain annual inspection or survey, but only if certain criteria are met) to fulfill the requirements for a life and safety code survey or inspection or another survey or

inspection required by this subchapter (Licensing, Fees, and Inspections). Authorizes DADS, if DADS implements the pilot program, to implement the pilot program with the goal that not later than August 31, 2014, at least one assisted living facility will have used an accreditation survey for the purposes of this section. Requires that the standards of the Commission on Accreditation of Rehabilitation Facilities, the Joint Commission on Accreditation of Healthcare Organizations, or another organization approved by the executive commissioner of the Health and Human Services Commission (executive commissioner) (accreditation commission) meet or exceed the assisted living facility licensing requirements established by the executive commissioner as required by Section 247.032(b)(1) (relating to requiring DADS to accept a certain accreditation survey or a certain annual inspection or survey, but only if the accreditation commission's standards meet or exceed the requirement for licensing of the executive commissioner for an assisted living facility).

(b) Provides that this section expires September 1, 2015.

SECTION 2. Effective date: September 1, 2013.