

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 2588
By: Naishtat; Guillen (Zaffirini)
Health & Human Services
5/19/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, nursing homes and assisted living facilities may advertise, market, or otherwise promote care specifically for persons with Alzheimer's and related disorders with or without holding a specific certification to provide these services. Advertising and marketing strategies can be confusing and leave a family uninformed.

The bill requires nursing homes and assisted living facilities that provide specialized care and treatment to residents with Alzheimer's and related disorders to disclose if a facility is certified for the provision of personal care and treatment of Alzheimer's and other disorders in the facility's disclosure statement. What's more, the bill requires the executive commissioner of Health and Human Services to adopt any rules prescribing for the disclosures required in the bill.

The committee substitute includes the language of H.B. 2584 by Representative Naishtat, which would require the executive commissioner of the Health and Human Services Commission to adopt in rule a definition of "Alzheimer's disease and related disorders," to apply to facilities that advertise, market, or otherwise promote that they provide personal care services to residents who have Alzheimer's disease or related disorders and are certified by the state to provide specialized care and treatment of persons with Alzheimer's disease and related disorders. What's more, the committee substitute modifies the definition as necessary to conform to changes in medical practice.

C.S.H.B. 2588 amends current law relating to disclosures by nursing facilities and assisted living facilities regarding certification or classification to provide specialized care, treatment, or personal care services to residents with Alzheimer's disease or related disorders and the authority of the executive commissioner of the Health and Human Services Commission to adopt rules defining those conditions and adds requirements for an occupational license.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 242.040, Health and Safety Code), SECTION 4 (Section 247.029, Health and Safety Code), and SECTION 5 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 242.040, Health and Safety Code, by adding Subsection (g), as follows:

(g) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) by rule to adopt a definition of "Alzheimer's disease and related disorders" and authorizes the executive commissioner to adopt by reference a definition published in a generally accepted clinical resource for medical professionals. Requires the executive commissioner to modify the definition as necessary to conform to changes in medical practice.

SECTION 2. Amends Section 242.202(d), Health and Safety Code, as follows:

(d) Includes information relating to whether the institution is certified under Section 242.040 (Certification of Institutions that Care for Persons With Alzheimer's Disease and Related Disorders) for the provision of specialized care and treatment of residents with Alzheimer's disease and related disorders among the information a certain disclosure statement is required to contain. Makes nonsubstantive changes.

SECTION 3. Amends Section 247.026, Health and Safety Code, by adding Subsection (c-1) to require the executive commissioner to require each assisted living facility to include in the facility's consumer disclosure statement whether the facility holds a license classified under Section 247.029 (Facilities for Persons With Alzheimer's Disease) for the provision of personal care services to residents with Alzheimer's disease or related disorders.

SECTION 4. Amends Section 247.029, Health and Safety Code, by adding Subsection (d), as follows:

(d) Requires the executive commissioner by rule to adopt a definition of "Alzheimer's disease and related disorders" and authorizes the executive commissioner to adopt by reference a definition published in a generally accepted clinical resource for medical professionals. Requires the executive commissioner to modify the definition as necessary to conform to changes in medical practice.

SECTION 5. Requires the executive commissioner, as soon as practicable after the effective date of this Act, to adopt any necessary rules prescribing the form of the disclosures under Sections 242.202 and 247.026, Health and Safety Code, as amended by this Act, and rules prescribing definitions under Sections 242.40 and 247.029, Health and Safety Code, as amended by this Act.

SECTION 6. Provides that the changes in law made by Sections 242.202 and 247.026, Health and Safety Code, as amended by this Act, apply only to disclosures provided on or after January 1, 2016.

SECTION 7. Effective date: upon passage or September 1, 2015.