

BILL ANALYSIS

Senate Research Center
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H.B. 2025
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Health & Human Services
5/12/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties have expressed concern regarding the lack of staff members at certain health care facilities that provide care to individuals with Alzheimer's disease or dementia who have training or experience in providing care to such individuals. H.B. 2025 seeks to address this concern by providing staff requirements for such facilities.

H.B. 2025 amends current law relating to staffing requirements for certain facilities that provide care to persons with Alzheimer's disease or related disorders, and authorizes an administrative penalty.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 3 (Section 326.004, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 242.0665(b), Health and Safety Code, to provide that Subsection (a) (relating to prohibiting the Department of Aging and Disability Services (DADS) from collecting a certain administrative penalty) does not apply to, among certain violations, a second or subsequent violation of Section 326.002 that occurs before the second anniversary of the date of the first violation.

SECTION 2. Amends Section 247.0452(b), Health and Safety Code, to provide that Subsection (a) (relating to prohibiting DADS from collecting a certain administrative penalty) does not apply to, among certain violations, a second or subsequent violation of Section 326.002 that occurs before the second anniversary of the date of the first violation.

SECTION 3. Amends Subtitle G, Title 4, Health and Safety Code, by adding Chapter 326, as follows:

CHAPTER 326. STAFFING REQUIREMENTS FOR FACILITIES PROVIDING CARE TO PERSONS WITH ALZHEIMER'S DISEASE OR RELATED DISORDERS

Sec. 326.001. DEFINITIONS. Defines "commission" and "facility."

Sec. 326.002. WRITTEN POLICY REQUIRED. Requires a facility to adopt, implement, and enforce a written policy that:

(1) requires a facility employee who provides direct care to a person with Alzheimer's disease or a related disorder to successfully complete training in the provision of care to persons with Alzheimer's disease and related disorders; and

(2) ensure the care and services provided by a facility employee to a person with Alzheimer's disease or a related disorder meet the specific identified needs of the person relating to the person's diagnosis of Alzheimer's disease or a related disorder.

Sec. 326.003. ENFORCEMENT. (a) Authorizes the Health and Human Services Commission (HHSC) to assess an administrative penalty against a facility for a violation of Section 326.002.

(b) Provides that HHSC is not required to provide a facility an opportunity to correct a second or subsequent violation of Section 326.002 that occurs before the second anniversary of the date of the first violation.

(c) Provides that a violation of Section 326.002 constitutes a violation of the law regulating a facility, and authorizes HHSC to initiate for the violation any other enforcement action authorized by that law against the facility, including an adult foster care facility with three or fewer beds.

Sec. 326.004. RULES. Requires the executive commissioner of HHSC to adopt rules related to the administration and implementation of this chapter.

SECTION 4. Amends Section 103.013(b), Human Resources Code, to provide that Subsection (a) (relating to prohibiting DADS from collecting a certain administrative penalty) does not apply to a second or subsequent violation of Section 326.002 that occurs before the second anniversary of the date of the first violation.

SECTION 5. Provides that Chapter 326, Health and Safety Code, as added by this Act, does not affect the terms of a contract entered into before the effective date of this Act, except that if the contract is renewed, modified, or extended on or after the effective date of this Act, Chapter 326 applies to the contract beginning on the date of renewal, modification, or extension.

SECTION 6. Effective date: September 1, 2017.