

BILL ANALYSIS

Senate Research Center
86R23946 EAS-F

H.B. 2205
By: Clardy (Buckingham)
Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There have been calls to ensure fairness in the informal dispute resolution process for certain disputes between the Health and Human Services Commission and long-term care facilities regarding certain alleged violations, given that these facilities can be faced with fines, reputational damage, and potential closure.

H.B. 2205 seeks to address those calls by requiring the applicable surveyor of the facility to clarify or answer questions related to the facility or the statement, requiring the review of the applicable dispute resolution request to be conducted by a registered nurse with long-term care experience for a standard of care violation, and requiring immediate notification of facility management when certain violations are identified during an inspection, survey, or investigation.

H.B. 2205 amends current law relating to the informal dispute resolution process for certain disputes between the Health and Human Services Commission and 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 531.058(a-1), Government Code, as added by Chapter 590 (S.B. 924), Acts of the 85th Legislature, Regular Session, 2017, as follows:

(a-1) Requires the informal dispute resolution process for a statement of violations prepared by the Health and Human Services Commission (HHSC) in connection with a survey conducted by HHSC of a certain long-term care facility to require:

- (1) the surveyor who conducted the survey for which the statement was prepared to be available to clarify or answer questions related to the facility or the statement that are asked by the person reviewing the dispute or by the facility; and
- (2) HHSC's review of the institution's or facility's informal dispute resolution request to be conducted by a registered nurse with long-term care experience for a standard of care violation.

SECTION 2. Amends Section 242.0445, Health and Safety Code, by adding Subsection (a-1), as follows:

(a-1) Provides that, if HHSC or HHSC's representative conducting an inspection, survey, or investigation under Section 242.043 (Inspections) or 242.044 (Unannounced Inspections) identifies a violation that constitutes immediate jeopardy to the health or safety of a resident:

- (1) HHSC is required to immediately notify the facility's management of the violation; and

(2) an HHSC representative is required to remain in or be accessible to the facility until HHSC has received the facility's plan of removal related to the violation.

SECTION 3. Repealer: Section 531.058(a-1) (relating to requiring HHSC to contract with an appropriate disinterested person as part of an informal dispute resolution concerning a statement of violation), Government Code, as added by Chapter 836 (H.B. 2025), Acts of the 85th Legislature, Regular Session, 2017.

SECTION 4. Requires a state agency affected by any provision of this Act, if before implementing the provision the agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, to request the waiver or authorization and authorizes the agency to delay implementing that provision until the waiver or authorization is granted.

SECTION 5. Effective date: upon passage or September 1, 2019.