

## **BILL ANALYSIS**

Senate Research Center  
86R16032 JG-D

H.B. 284  
By: Perez; Buckley (Powell)  
Health & Human Services  
5/12/2019  
Engrossed

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

Nursing and assisted living facilities may advertise that they provide "memory care," which can lead applicants and their families to believe that the facilities are credentialed to provide specialized care for individuals with Alzheimer's disease. Facilities can receive a license or certification for such care through the Health and Human Services Commission (HHSC) by meeting certain facility, staffing, and programming requirements.

H.B. 284 updates the Health and Safety Code to require that these facilities provide written notice of whether they hold a licensure or certification from HHSC to offer personal care to residents with Alzheimer's disease.

H.B. 284 amends current law relating to disclosure requirements of certain facilities that provide care for persons with Alzheimer's disease and related disorders.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the executive commissioner of the Health and Services Commission in SECTION 5 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 242, Health and Safety Code, by adding Section 242.0405, as follows:

Sec. 242.0405. NOTICE OF ALZHEIMER'S DISEASE AND RELATED DISORDERS CERTIFICATION. (a) Requires a nursing facility to prepare a written notice disclosing whether the facility is certified or is not 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.

(b) Requires the nursing facility to provide the notice described by Subsection (a) to:

- (1) each resident of the facility; and
- (2) each person applying for services from the facility or the person's next of kin or guardian.

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

(d) Requires the disclosure statement to contain the following categories of information:

- (1) makes no changes to these subdivisions;
- (2) deletes existing text referring to whether the institution is certified under Section 242.040 for the provision of specialized care and treatment of residents with Alzheimer's disease and related disorders;

(3) redesignates this subdivision as Subdivision (2); and

(4)–(11) redesignates these subdivisions as Subdivisions (3)–(10).

SECTION 3. Amends Subchapter B, Chapter 247, Health and Safety Code, by adding Section 247.0295, as follows:

Sec. 247.0295. NOTICE OF ALZHEIMER'S DISEASE OR RELATED DISORDERS LICENSE CLASSIFICATION. Requires an assisted living facility to provide to each resident of the facility written notice disclosing whether the facility holds a license or does not hold 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. Repealer: Section 247.026(c-1) (relating to requiring the executive commissioner of the Health and Human Services Commission to require each assisted living facility to include in the facility's consumer disclosure statement whether the facility holds a license classified for the provision of personal care services to residents with Alzheimer's disease or related disorders), Health and Safety Code.

SECTION 5. Requires the executive commissioner of the Health and Human Services Commission, as soon as practicable after the effective date of this Act, to adopt rules to implement the changes in law made by this Act.

SECTION 6. Effective date: September 1, 2019.