

BILL ANALYSIS

Senate Research Center
87R195 JG-D

S.B. 383
By: Powell
Health & Human Services
3/15/2021
As Filed

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. Facilities can receive a license or certification for such care through the Health and Human Services Commission (HHSC) by meeting certain facilities, staffing, and programming requirements.

S.B. 383 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.

As proposed, S.B. 383 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 Human 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) to provide specialized care and treatment for facility residents with Alzheimer's disease and related disorders.

(b) Requires the nursing facility to provide the notice described by Subsection (a) to each facility resident and 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, to delete existing text requiring that the disclosure statement required by Subchapter H (Care for Residents with Alzheimer's Disease and Related Disorders) contain information relating 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. Makes nonsubstantive changes.

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 facility resident 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) to provide personal care services to residents with Alzheimer's disease or related disorders.

SECTION 4. Repealer: Section 247.026(c-1) (relating to a requirement that each facility include in a disclosure statement whether the facility holds a certain license to provide treatment for Alzheimer's patients), 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, 2021.