

BILL ANALYSIS

Senate Research Center
76R7723 MCK-D

S.B. 703
By: Madla
Health Services
4/19/1999
As Filed

DIGEST

Currently, the Texas Department of Human Services (DHS) surveys nursing homes annually and upon notification of a complaint against a facility. There are circumstances in which DHS inspectors perform a survey and determine that there are no additional violations against the facility. These violations are not discussed with the facility management, only added to the list of violations against the facility. S.B. 703 requires DHS to perform an additional exit interview with a facility, if DHS finds additional violations against the facility following the initial exit interview; to hand-deliver a license suspension or closure notice; and to allow nursing homes to develop internal policies and procedures for incidents of abuse and neglect in that facility.

PURPOSE

As proposed, S.B. 703 sets forth provisions for the Texas Department of Human Services regarding nursing homes.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 242.002(6), Health and Safety Code, redesignated as Section 242.002(10), Health and Safety Code, to define "institution."

SECTION 2. Amends Chapter 242B, Health and Safety Code, by adding Section 242.0445, as follows:

Sec. 242.0445. REPORTING OF VIOLATIONS. Requires the Texas Department of Human Services (DHS) or DHS's representative conducting an inspection, survey, or investigation under Section 242.043 or 242.044 to list each violation of a law or rule on a form designed by DHS for inspections, and identify the specific law or rule the facility violated. Requires DHS or DHS's representative conducting the inspection, survey, or investigation to discuss the violations with the facility's management in an exit conference, at the conclusion of an inspection, survey, or investigation under Section 242.043 or 242.044. Requires DHS or DHS's representative to leave a written list of the violations with the facility at the time of the exit conference. Requires DHS or DHS's representative to give the facility an additional exit conference regarding the additional violations, if DHS or DHS's representative discovers any additional violations during the review of field notes or preparation of the official final list. Requires the facility to submit a plan to correct the violations to the regional director no later than the 10th working day after the date the facility receives the final statement of violations.

SECTION 3. Amends Section 242.062(c), Health and Safety Code, to provide that an order suspending a license or closing a part of an institution under this section is immediately effective on the date on which the license holder receives written, hand-delivered notice or a later date specified in the order.

SECTION 4. Amends Section 242.122(b), Health and Safety Code, to require each institution to require each employee of the institution, to sign a statement that the employee realizes that the employee may be criminally liable for failure to report those abuses and that the employee must follow the facility's internal policies regarding abuse, neglect, or exploitation.

SECTION 5. Effective date: September 1, 1999.

SECTION 6. Emergency clause.