

BILL ANALYSIS

Senate Research Center
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H.B. 3329
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Health & Human Services
5/1/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current statute is ambiguous on some of the types of services permitted in licensed assisted living communities. This creates inconsistency in interpretation by both providers and the Health and Human Services Commission (HHSC), which is the regulatory body that oversees assisted living communities.

This lack of clarity prevents assisted living communities from offering certain non-skilled health services that may enable a resident to remain in their community. As a result, residents may be faced with additional costs to access these services, risk leaving their home, and are in need of a higher level of care.

H.B. 3329 clarifies current statute to allow assisted living communities to perform health maintenance activities (HMAs) as defined by the Texas Board of Nursing.

HMAs are tasks that may be exempt from registered nurse's (RN) delegation based on an RN assessment that enables a resident to remain in an independent living environment and go beyond activities of daily living because of the higher skill level required to perform.

Under H.B. 3329, HHSC will develop and adopt rules to distinguish and provide guidelines on the type of training and/or staff authorized to perform certain HMAs in an assisted living community.

H.B. 3329 will help achieve greater regulatory consistency, resident safety, resident choice, and resident independence.

H.B. 3329 amends current law relating to the services provided by assisted living facilities.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Board of Nursing in SECTION 1 (Section 247.002, Health and Safety Code) of this bill.

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 (Section 247.025, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 247.002(1), Health and Safety Code, to provide that "assisted living facility" has certain meanings, including an establishment that is authorized to provide health maintenance activities as defined by rule by the Texas Board of Nursing (BON). Makes nonsubstantive changes throughout.

SECTION 2. Amends Section 247.025, Health and Safety Code, as follows:

Sec. 247.025. ADOPTION OF RULES. (a) Creates this subsection from existing text and makes no further changes.

(b) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) to adopt rules distinguishing and providing guidelines on the scope of services that an assisted living facility is authorized to provide under this chapter (Assisted Living Facilities).

SECTION 3. Provides that as soon as practicable after the effective date of this Act:

(1) TBN is required to adopt the rules necessary to implement Section 247.002(1), Health and Safety Code, as amended by this Act; and

(2) the executive commissioner is required to adopt the rules required by Section 247.025, Health and Safety Code, as amended by this Act.

SECTION 4. Effective date: September 1, 2019.