

BILL ANALYSIS

Senate Research Center
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S.B. 1519
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Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

According to the U.S. Census Bureau, in 2010, Texans age 60 and older comprised 15 percent of the total Texas population. By 2050, that percentage is expected to increase to 22 percent of the Texas population. Considering the expected growth in the number of aging Texans, high quality long-term care facilities that are fairly regulated will be needed to meet the needs of aging Texans.

In response, the legislature passed S.B. 914 (84R), which established the Long-Term Care Facility Survey and Informal Dispute Resolution Council (council) to study and make recommendations for improving the regulation of nursing facilities (NFs), assisted living facilities (ALFs), and intermediate care facilities for individuals with an intellectual disability or related condition (ICFs/IID). The council produced one report and was abolished on June 1, 2017.

S.B. 1519 would re-establish the council and seeks to build upon the council's prior work, by expanding the scope of the council to review and make recommendations on both long-term care facility regulations and quality-based Medicaid payments programs for such facilities.

As proposed, S.B. 1519 amends current law relating to a council on 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 Subchapter B, Chapter 531, Government Code, by adding Section 531.0581, as follows:

Sec. 531.0581. LONG-TERM CARE FACILITIES COUNCIL. (a) Defines "council" and "long-term care facility" for purposes of this section.

(b) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner; HHSC) to establish a Long-Term Care Facilities Council (council) as a permanent advisory committee to HHSC. Provides that the council is composed of the following members appointed by the executive commissioner:

- (1) two program managers from different service delivery regions;
- (2) one surveyor who has attained at least the level of investigator IV;
- (3) two members of an enforcement team from different service delivery regions;
- (4) three surveyors, each from a different service delivery region, at least one of whom is required to have a background in nursing, at least one of

whom is required to have a background in social work, and at least one of whom is required to have a background in the provision of pharmacy services;

(5) one informal dispute resolution team leader;

(6) one informal dispute resolution reviewer;

(7) one individual with expertise in Medicaid quality-based payment systems for long-term care facilities;

(8) two owners or regional vice presidents of operation who oversee multiple long-term care facilities;

(9) two regional quality assurance nurses who oversee multiple long-term care facilities;

(10) two active long-term care facility administrators; and

(11) two active long-term care facility directors of nursing.

(c) Requires the executive commissioner to designate a member of the council to serve as presiding officer. Requires the members of the council to elect any other necessary officers.

(d) Provides that a member of the council serves at the will of the executive commissioner.

(e) Requires the council to meet at the call of the executive commissioner.

(f) Provides that a member of the council is not entitled to reimbursement of expenses or to compensation for service on the council.

(g) Authorizes the council to accept gifts and grants from any source to be used to carry out a function of the council.

(h) Requires the council to study and make recommendations regarding a consistent survey and informal dispute resolution process for long-term care facilities and regarding Medicaid quality-based payment systems for those facilities. Requires the council to:

(1) study and make recommendations regarding best practices and protocols to make survey, inspection, and informal dispute resolution processes more efficient and less burdensome on long-term care facilities;

(2) recommend uniform standards for those processes; and

(3) study and make recommendations regarding Medicaid quality-based payment systems for long-term care facilities.

(i) Requires the council, not later than January 1 of each odd-numbered year, to submit a report on the council's findings and recommendations to the executive commissioner, the governor, the lieutenant governor, the speaker of the house of representatives, and the chairs of the appropriate legislative committees.

(j) Provides that Chapter 2110 (State Agency Advisory Committees) does not apply to the council.

SECTION 2. Requires the executive commissioner, not later than December 1, 2019, to establish the council and appoint the council members as required by Section 531.0581, Government Code, as added by this Act.

SECTION 3. Effective date: upon passage or September 1, 2019.