

- SUBJECT:** Requiring HHSC to create the Long-Term Care Facilities Council
- COMMITTEE:** Human Services — favorable, without amendment
- VOTE:** 8 ayes — Frank, Hinojosa, Deshotel, Klick, Meza, Miller, Noble, Rose
- 0 nays
- 1 absent — Clardy
- SENATE VOTE:** On final passage, May 3 — 31-0, on Local and Uncontested Calendar
- WITNESSES:** For — Ron Haney, Texas Health Care Association; (*Registered, but did not testify*: Chris Masey, Coalition of Texans with Disabilities; Jaime Capelo, Texas Assisted Living Association; Kimberly Lovejoy)
- Against — None
- BACKGROUND:** Some have suggested a continued need for the Long-Term Care Facility Survey and Informal Dispute Resolution Council that was abolished on June 1, 2017, due to the large number of aging Texans and the importance of having quality long-term care facilities in the state.
- DIGEST:** SB 1519 would require the executive commissioner of the Health and Human Services Commission (HHSC) to create a Long-Term Care Facilities Council as a permanent advisory committee to HHSC. The council's members would be appointed by the executive commissioner, and the council would include at least one:
- for-profit nursing facility provider;
 - nonprofit nursing facility provider;
 - assisted living services provider;
 - person responsible for survey enforcement within the state survey and certification agency;
 - person responsible for survey inspection within the state survey and

- certification agency;
- member of the state agency responsible for informal dispute resolution;
 - person with expertise in Medicaid quality-based payment systems for long-term care facilities;
 - practicing medical director of a long-term care facility; and
 - physician with expertise in infectious disease or public health.

The council's presiding officer would be designated by the executive commissioner, and the members would elect any other necessary officers. The council members would not be entitled to reimbursement of expenses or to compensation for service on the council, and law governing state agency advisory committees would not apply to the council. The council would meet at the call of the executive commissioner.

The executive commissioner would have to establish the Long-Term Care Facilities Council and appoint its members by December 1, 2019.

Duties. The council would be required to study and make recommendations on a consistent survey and informal dispute resolution process for long-term care facilities and Medicaid quality-based payment systems for those facilities. The council would have to:

- 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;
- recommend uniform standards for those processes; and
- study and make recommendations regarding Medicaid quality-based payment systems and a rate-setting methodology for long-term care facilities.

Enhancement methodology assessment. The council would have to assess the impact that the implementation of the enhancement methodology for the staff rate enhancement paid to qualified nursing homes under the managed care program would have on long-term care

facilities. The council would have to complete this assessment and make a recommendation to HHSC regarding that implementation by September 1, 2021. If the council advised that the implementation of the methodology would have a significant impact on long-term care facilities, HHSC could delay the implementation until September 1, 2023, provided that HHSC published notice of that delay in the Texas Register as soon as practicable.

This section would expire September 1, 2023.

Report. By January 1 of each odd-numbered year, the council would have to submit a report on its findings and recommendations to the executive commissioner of HHSC, the governor, the lieutenant governor, the House speaker, and the chairs of the appropriate legislative committees.

Appropriation contingency. The bill would require HHSC to implement the provisions of this bill only if the Legislature appropriated money specifically for that purpose. If the Legislature did not appropriate money specifically for that purpose, HHSC could, but would not be required to, implement provisions using other appropriations available for that purpose.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.