

BILL ANALYSIS

Senate Research Center
79R8865 YDB-D

S.B. 1099
By: Deuell
Health & Human Services
4/15/2005
As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under current Texas law, nursing homes and long term care facilities are not required to notify patients of their insurance status. As proposed, S.B. 1099 requires that such a health care entity notify patients and their immediate families of their insurance status by requiring an institution to provide each resident and their next of kin or guardian with a written statement on whether the institution is covered by professional health care liability insurance for a health care liability claim against the institution.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

[While the statutory reference in this bill is to the Department of Human Services (DHS), the following amendments affect the Department of Aging and Disability Services, as the successor agency to DHS.]

SECTION 1. Amends Subchapter B, Chapter 242, Health and Safety Code, by adding Section 242.0425, as follows:

Sec. 242.0425. INFORMATION ON LIABILITY INSURANCE COVERAGE. (a) Requires an institution that furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment and that provides minor treatment under the direction and supervision of a physician licensed by the Texas State Board of Medical Examiners, or other services that meet some need beyond the basic provision of food, shelter, and laundry, to provide each resident and the resident's next of kin or guardian a written statement in the form prescribed by the Texas Department of Human Services on whether the institution is covered by professional health care liability insurance for a health care liability claim against the institution.

(b) Requires an institution to maintain a copy of the statement provided under Subsection (a) in the institution's records on the resident. Requires the statement to be signed by the resident or the resident's next of kin or guardian.

SECTION 2. (a) Requires the Department of Aging and Disability Services to prescribe the written statement that an institution is required to provide under Section 242.0425, Health and Safety Code, as added by this Act, not later than December 1, 2005.

(b) Provides that an institution is not required to provide the written statement required under Section 242.0425, Health and Safety Code, as added by this Act, before January 1, 2006.

SECTION 3. Effective date: September 1, 2005.