

BILL ANALYSIS

Senate Research Center

H.B. 1423
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It is imperative that the state adequately inspects and monitors long-term care facilities, such as nursing homes and convalescent facilities, as those facilities house vulnerable Texans who are more prone to sickness and disease, such as COVID-19, when facility standards are not properly maintained.

H.B. 1423 would protect the general welfare of residents of certain long-term care facilities by ensuring the Health and Human Services Commission (HHSC) inspects each facility at least annually and providing for the continuous monitoring of HHSC staffing levels and regulatory capacity.

H.B. 1423 amends current law relating to the regulation and inspection procedures of certain long-term care facilities, including a survey of certain facilities' emergency power sources.

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 Section 242.043(a), Health and Safety Code, to authorize the Health and Human Services Commission (HHSC) or HHSC's representative, rather than the Department of Aging and Disability Services (DADS) or DADS' representative, for the purposes of Chapter 242 (Convalescent and Nursing Facilities and Related Institutions) to make any inspection, including an unannounced inspection or follow-up inspection, survey, or investigation that it considers necessary, rather than to make any inspection, survey, or investigation that it considers necessary. Makes nonsubstantive changes.

SECTION 2. Amends Sections 242.044(a) and (b), Health and Safety Code, as follows:

(a) Requires HHSC to annually conduct at least one unannounced inspection of each institution. Deletes existing text requiring DADS, each licensing period, to conduct at least two unannounced inspections of each institution.

(b) Makes conforming and nonsubstantive changes.

SECTION 3. Amends Subchapter B, Chapter 242, Health and Safety Code, by adding Sections 242.0441 and 242.0442, as follows:

Sec. 242.0441. FOLLOW-UP INSPECTIONS. (a) Authorizes HHSC or HHSC's representative to conduct a follow-up inspection of an institution after conducting an inspection, survey, or investigation of the institution under Section 242.043 (Inspections) or 242.044 (Unannounced Inspections) to evaluate and monitor the findings of the initial inspection, survey, or investigation and to ensure HHSC is citing and punishing institutional deficiencies consistently across the state.

(b) Prohibits HHSC, if an institution corrects a deficiency cited during a follow-up inspection within the time specified by executive commissioner of HHSC rule, from imposing additional punitive actions for the deficiency.

Sec. 242.0442. COMMISSION EVALUATION OF REGULATORY CAPACITY. (a) Requires HHSC, not later than January 31 of each year, to evaluate HHSC's capacity to regulate institutions under Chapter 242 and formulate a strategy to effectively perform licensing duties, enforcement activities, and complaint investigations for that year.

(b) Requires HHSC to continue to regularly evaluate HHSC's capacity to regulate institutions under Chapter 242 and to implement corrective measures as necessary.

(c) Requires HHSC to monitor HHSC's staffing of employees who perform inspections, surveys, or investigations of institutions under Chapter 242 and to fill any vacant positions as soon as possible.

(d) Requires HHSC, not later than January 1 of each year, to evaluate HHSC's compliance during the previous year with Sections 242.043, 242.044, and 242.0441.

SECTION 4. (a) Requires HHSC to conduct a survey on the number of facilities licensed under Chapter 242, Health and Safety Code, and the number of assisted living facilities licensed under Chapter 247 (Assisted Living Facilities), Health and Safety Code, that are equipped with an operational emergency generator or comparable emergency power source that is capable of providing continuous electric utility services to the facility during severe weather events or other emergencies.

(b) Requires HHSC, not later than September 1, 2022, to publish the results of the survey conducted under Subsection (a) of this section on HHSC's Internet website.

SECTION 5. Effective date: September 1, 2021.