

By: Kolchorst
Schwertner

S.B. No. 914

A BILL TO BE ENTITLED

AN ACT

relating to a council on long-term care facility surveys and informal dispute resolution.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITIONS. In this Act:

(1) "Council" means the Long-Term Care Facility Survey and Informal Dispute Resolution Council established under this Act.

(2) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(3) "Long-term care facility" means a facility subject to regulation under Section 32.021(d), Human Resources Code, or Chapter 242, 247, or 252, Health and Safety Code.

SECTION 2. COUNCIL ESTABLISHED; MEMBERSHIP; OFFICERS.

(a) Not later than December 1, 2015, the executive commissioner shall establish a Long-Term Care Facility Survey and Informal Dispute Resolution Council. The council is composed of the following members appointed by the executive commissioner:

(1) two program managers from different Department of Aging and Disability Services regions;

(2) one surveyor who has attained at least the level of investigator IV;

(3) two members of an enforcement team from different Department of Aging and Disability Services regions;

(4) three surveyors, each from a different Department

1 of Aging and Disability Services region, at least one of whom must
2 have a background in nursing, at least one of whom must have a
3 background in social work, and at least one of whom must have a
4 background in the provision of pharmacy services;

5 (5) one informal dispute resolution team leader;

6 (6) one informal dispute resolution reviewer;

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

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

11 (9) two active long-term care facility
12 administrators; and

13 (10) two active long-term care facility directors of
14 nursing.

15 (b) The executive commissioner shall designate a member of
16 the council to serve as presiding officer. The members of the
17 council shall elect any other necessary officers.

18 (c) A member of the council serves at the will of the
19 executive commissioner.

20 SECTION 3. MEETINGS. The council shall meet at the call of
21 the executive commissioner.

22 SECTION 4. REIMBURSEMENT OR COMPENSATION NOT AUTHORIZED. A
23 member of the council is not entitled to reimbursement of expenses
24 or to compensation for service on the council.

25 SECTION 5. GIFTS OR GRANTS. The council may accept gifts
26 and grants from any source to be used to carry out a function of the
27 council.

1 SECTION 6. DUTIES OF COUNCIL. (a) The council shall study
2 and make recommendations regarding a consistent survey and informal
3 dispute resolution process for long-term care facilities.

4 (b) The council shall:

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

9 (2) recommend uniform standards for those processes.

10 SECTION 7. REPORT. Not later than January 1, 2017, the
11 council shall submit a report on the council's findings and
12 recommendations required by this Act to the executive commissioner,
13 the governor, the lieutenant governor, the speaker of the house of
14 representatives, and the chairs of the appropriate legislative
15 committees.

16 SECTION 8. APPLICATION OF CERTAIN LAW. Chapter 2110,
17 Government Code, does not apply to the council.

18 SECTION 9. EXPIRATION. This Act expires June 1, 2017.

19 SECTION 10. EFFECTIVE DATE. This Act takes effect
20 September 1, 2015.