

## 85<sup>th</sup> Assisted Living Impact Legislation

Legislation	Summary
<p><b>SB 924 – Balanced and Fair Informal Dispute Resolution Effective 9/1/17</b>            Author - Charles Perry (R, Lubbock)            Sponsor – Stephanie Klick (R, Fort Worth)</p>	<ul style="list-style-type: none"> <li>• Outsources IDR to an independent third-party</li> <li>• Allows surveyor’s notes to be obtained</li> <li>• Items containing information that reference a complainant/witness must be produced - confidential information such as witnesses name will be redacted</li> <li>• Reasonable redaction cost must be paid by the provider</li> <li>• HHSC has 20 days to produce info / ALF has 10 days to get response to IDR arbiter</li> <li>• Clearly indicates the burden of proof is on the State</li> </ul>
<p><b>SB 1049 – Consistent and Predictable Life Safety Code Inspections Effective 9/1/17</b>            Author – Carlos Uresti (D, San Antonio)            Sponsor – Stephanie Klick (R, Fort Worth)</p>	<ul style="list-style-type: none"> <li>• Establishes technical memorandum to be issued at a minimum of twice/year and be readily accessible on the HHSC website.               <ul style="list-style-type: none"> <li>○ Interpretive guidance would be binding on surveyors</li> <li>○ Mechanism for issues to be raised by providers and DADS/HHSC will seek non-agency input to select issues to be addressed</li> <li>○ Any requirement relating to an existing regulation would have to first appear in a technical memo</li> </ul> </li> <li>• Clarifies HHSC/DADS authority               <ul style="list-style-type: none"> <li>○ Local municipalities have enforcement and interpretation authority over local codes and regulations (IBC/IFC)</li> <li>○ DADS cannot cite for a local code violation and must accept local authority’s interpretation of local codes/regulations</li> </ul> </li> <li>• TDLR has authority over accessibility               <ul style="list-style-type: none"> <li>○ If TDLR has done an on-site inspection DADS cannot cite for accessibility</li> <li>○ If DADS cites an accessibility tag prior to the TDLR inspection it must be rescinded if TDLR passes the facility</li> </ul> </li> <li>• Requires the adoption of 2012 or newer Life Safety Code (NFPA 101)</li> </ul>
<p><b>SB 1089 – Food Service Workers in Large Assisted Livings</b>            Author - Charles Perry (R, Lubbock)            Sponsor – Cindy Burkett (R, Sunnyvale)</p>	<ul style="list-style-type: none"> <li>• Clarifies that a food service worker trained in a course for employees of a single entity is considered to have meet a local health jurisdiction’s permitting requirements only as to food service performed for that entity.</li> <li>• Establishes that a food service worker trained in a food handler training course that is accredited by American National Standards Institute or that is accredited by the</li> </ul>

	<p>department and listed on its registry is considered to have met local health jurisdiction's training, testing, and permitting requirements.</p> <ul style="list-style-type: none"> <li>• A local health jurisdiction may not charge a fee or require an additional local food handler card for those who take a ANSI or other accredited course.</li> </ul>
<p><b>HB 284 – Wheelchair Lap Belts Required if Requested Effective 9/1/17</b>          Author – Drew Springer (R, Muenster)          Sponsor – Dawn Buckingham (R, Lakeway)</p>	<ul style="list-style-type: none"> <li>• Requires ALs to place a wheelchair self-release seat belt on a resident’s wheelchair if: a signed authorization is received by the resident or guardian; the resident demonstrates ability to self-release and re-fasten; and it complies with the plan of care.</li> <li>• A facility that advertises as a restraint-free facility is not required to comply with the request if: the facility provides current and prospective residents a written disclosure stating the facility is restraint-free and is not required to comply with such a request; and it makes all reasonable efforts to accommodate the concerns of a resident who requested a lap belt.</li> </ul>
<p><b>HB 658 – Early Voting in LTC Facilities Effective 9/1/17</b>          Author – Diego Bernal (D, San Antonio)          Sponsor – Bryan Hughes (R, Mineola)</p>	<ul style="list-style-type: none"> <li>• A polling place must be established if 5 or more applications for early voting mail-in ballots, based on age/disability, are received from residents of a residential care facility – Chapter 242 and 247 facilities with more than 10 beds</li> <li>• Mail-in ballot request will be held until it is determined if 5 or more people are going to request</li> <li>• The administrator of the facility must make space available in a common area for purposes of early voting and allow signs to be posted</li> <li>• Administrator has input into when the early voting will occur</li> <li>• Only those who reside at the facility can early vote there</li> </ul>
<p><b>HB 970 – State Streptococcus Pneumoniae Plan Effective 9/1/17</b>          Author – Philip Cortez (D, San Antonio)          Sponsor – Carlos Uresti (D, San Antonio)</p>	<p>Requires a state plan for the prevention and treatment of diseases caused by Streptococcus pneumoniae.</p> <ul style="list-style-type: none"> <li>• The plan must specifically target persons living in LTC facilities and others at risk</li> <li>• The department must seek input into the plan’s development</li> <li>• The department must develop a program to heighten awareness</li> <li>• Post prevention, treatment, and detection information on the department’s website</li> </ul>

<p><b>HB 1642 – Substantiated Abuse/Neglect Reports Effective 9/1/17</b>          Author - Cecil Bell          (R, Magnolia)          Sponsor – Lois Kolkhorst          (R, Brenham)</p>	<p>Requires DADS only report substantiated abuse, neglect, or exploitation to the appropriate law enforcement agency.</p>
<p><b>HB 2025 - Requirements for ALZ Residents and LTC Omnibus Bill Effective 9/1/17</b>          Author – Yvonne Davis          (D, Dallas)          Sponsor – Charles Schwertner          (R, Georgetown)</p> <p>(Original Bill – SB 932 by Charles Schwertner)</p>	<p><b>Requirements for Facilities Treating Those with Alzheimer’s/ Dementia Section</b></p> <ul style="list-style-type: none"> <li>• Requires a facility to adopt, implement, and enforce a written policy that:             <ul style="list-style-type: none"> <li>○ Requires an employee who provides direct care to a person with Alzheimer’s disease or a related disorder to successfully complete training; and</li> <li>○ Ensures the care and services provided meet the specific identified of needs of the person with a diagnosis.</li> </ul> </li> <li>• Do not have right to correct if have more than one violation in a 2-year period.</li> </ul> <p><b>Assisted Living Section (SB 932)</b></p> <ul style="list-style-type: none"> <li>• Requires provider letters, informational letters, policy changes and clarifications be issued in a regular and streamlined fashion</li> <li>• Increases maximum penalty amount from \$1000 to \$5000 for serious violations</li> <li>• Removes right to correct for violations that cause actual harm of a repetitive or pervasive nature</li> <li>• Requires the creation a matrix of progressive sanctions based on scope/severity</li> <li>• Allows for an increase in licensing fees not to exceed \$2500</li> <li>• Requires three-year licensure for ALFs</li> <li>• Requires surveys to occur at least every 2 years</li> </ul>
<p><b>HB 2561 – Rx Donation Program Effective 9/1/17</b>          Author – Senfronia Thompson          (D, Houston)          Sponsor – Van Taylor (R, Plano)</p> <p>(Original Bill – SB 382 by Burton)</p>	<ul style="list-style-type: none"> <li>• Creates a prescription drug donation program – no controlled substances</li> <li>• Only certain health care facilities can take donations – must maintain a pharmacy</li> <li>• Participating provider can only charge a handling fee not to exceed \$20.00</li> <li>• Donors must sign a form / Recipients must sign a form</li> <li>• DSHS must establish a database that contains all participating providers – post on website</li> </ul>

<p><b>HB 3564 – LTC Ombudsman</b>  <b>Effective 9/1/17</b>          Author – Stephanie Klick          (R, Fort Worth)          Sponsor – Charles Perry          (R, Lubbock)</p>	<ul style="list-style-type: none"> <li>• Allows LTC Ombudsman to visit all people in LTC, not just those 60+</li> <li>• Establishes that the LTC office is to act independently in the performance of its powers and duties - HHSC has oversight</li> <li>• Requires LTC facilities to cooperate with an investigation by the LTC ombudsman/representative</li> <li>• Requires LTC to investigate any grievance against one of its representatives</li> <li>• Clarifies that the lobbying prohibitions do not apply to the LTC Ombudsman to the extent necessary for it to perform its duties</li> </ul>
<p><b>HB 3934 – LTC Surveyors</b>  <b>Effective 9/1/17</b>          Author - Cecil Bell          (R, Magnolia)          Sponsor – Charles Perry          (R, Lubbock)</p>	<p>Allows the department to waive the requirement that surveyors have to observe operations of a LTC facility for 10 days if the surveyor has recently worked for one year FT in a Texas nursing facility as an administrator; RN, LVN, or social worker.</p>



For additional information:

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