

SUBJECT: Requiring certain facilities to disclose Alzheimer's care certification status

COMMITTEE: Human Services — committee substitute recommended

VOTE: 5 ayes — Frank, Hinojosa, Deshotel, Miller, Rose

3 nays — Clardy, Klick, Noble

1 absent — Meza

WITNESSES: For — Amanda Fredriksen, AARP; Patricia (Patty) Ducayet, Office of the State Long-Term Care Ombudsman; (*Registered, but did not testify:* Aaron Gregg, Alzheimer's Association; Alexa Schoeman, Office of the State Long-Term Care Ombudsman)

Against — None

On — Diana Martinez, Texas Assisted Living Association; Kevin Warren, Texas Health Care Association (*Registered, but did not testify:* Allison Lowery, Health and Human Services Commission; Alyse Meyer, LeadingAge Texas)

BACKGROUND: Health and Safety Code sec. 242.040 requires the Department of Aging and Disability Services (DADS) to establish a system for certifying nursing facilities and related institutions that meet certain standards for the specialized care and treatment of people with Alzheimer's disease and related disorders.

Sec. 242.202 requires an institution to disclose the nature of its care or treatment of residents with Alzheimer's disease and related disorders, including whether the institution is certified by DADS for the provision of specialized care and treatment.

Sec. 247.029 requires DADS to establish a classification and license for an assisted living facility that advertises personal care services to residents who have Alzheimer's disease or related disorders. Facilities are required

to disclose whether they hold that license.

DIGEST:

CSHB 284 would require nursing facilities to provide a written notice to each facility resident disclosing whether or not the facility was certified by the Department of Aging and Disability Services (DADS) for the provision of specialized care and treatment of residents with Alzheimer's disease and related disorders. This notice would also have to be provided to each person applying for services from the facility or the person's next of kin or guardian.

Assisted living facilities would be required to provide written notice to each resident of the facility disclosing whether or not the facility held a license issued by DADS for the provision of personal care services to residents with Alzheimer's disease or related disorders.

As soon as practicable after the effective date of the bill, the executive commissioner of the Health and Human Services Commission would be required to adopt rules to implement the bill.

The bill would take effect September 1, 2019.

**SUPPORTERS
SAY:**

CSHB 284 would prevent false advertising in the nursing home and assisted living facility industries by requiring written notice of Alzheimer's care licensure status.

Hundreds of thousands of Texans have been diagnosed with Alzheimer's, and the state has one of the highest number of Alzheimer's-related deaths in the country. However, few licensed nursing facilities in the state are certified for the care of Alzheimer's patients. Facilities that market themselves as "memory care" facilities and are not licensed by the state for Alzheimer's care may be giving consumers a false impression of their qualifications.

By clarifying the requirement that facilities must disclose their Alzheimer's care certification status, CSHB 284 would ensure that families were sufficiently informed about facilities' qualifications when

looking for appropriate care for their loved ones.

Alzheimer's care licensing and certification requires a smaller staff to patient ratio, which is necessary due to the attention that Alzheimer's patients need. Changing this certification requirement to allow more facilities to qualify would lower the quality of care for patients.

**OPPONENTS
SAY:**

CSHB 284 would create an unnecessary requirement for facilities to disclose to consumers whether they were or were not certified for the care of Alzheimer's patients. These disclosures would be an inappropriate form of government interference because the information that would be included in these disclosures is information that families currently can request when they are deciding which facility would provide the best care for their loved ones. Facilities should be allowed to advertise the services that they do provide, rather than being required to issue notice of the certifications they may lack.

**OTHER
OPPONENTS
SAY:**

The Alzheimer's certification program should be revised to be easier for facilities to participate. Currently, the licensure process makes it too difficult for the majority of nursing homes and assisted living facilities to comply, leaving many without certification.