

CHAPTER 972

S.B. No. 819

AN ACT

relating to licensing and renewal of licenses of nursing homes.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 4, Chapter 413, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 4442c, Vernon's Texas Civil Statutes), is amended by adding Subsection (d) to read as follows:

*(d)(1) In lieu of an inspection for renewal of a license under Subsection (c) of this section, a nursing home that is accredited by the Joint Commission on Accreditation of Hospitals under the commission's long-term care standards may submit to the Licensing Agency a copy of its annual accreditation review from the commission in addition to the application, fee, and report required for renewal of a license. The Licensing Agency shall accept an annual accreditation review from the Joint Commission on Accreditation of Hospitals for so long as the commission maintains an annual inspection or review program. If the commission does not conduct an on-site annual inspection or review, the Licensing Agency, in accordance with its own standards, shall make the inspection for the issuance of a license. If the commission does conduct an on-site annual inspection or review, but the Licensing Agency determines that the annual inspection or review conducted by the commission does not meet the minimum standards required by the Licensing Agency as confirmed by the board of the Licensing Agency, then the Licensing Agency shall reject the commission's annual inspection in lieu of license renewal and instead shall conduct its own license inspection. The Licensing Agency shall coordinate its licensing activities with the commission, and the Licensing Agency and the commission shall sign a memorandum of agreement to implement the procedures of this subsection. The memorandum of agreement must provide that if, in the development, interpretation, and implementation of the memorandum, there is a lack of agreement of all parties involved, the disputed areas shall be resolved by the board of the Licensing Agency.*

*(2) This subsection does not limit the Licensing Agency from performing any duties and inspections authorized by this Act or under any contract relating to the medical assistance program pursuant to Chapter 32, Human Resources Code, and federal laws relating to Titles XVIII and XIX of the Social Security Act, including*

*authority to take appropriate action relating to a facility, such action including but not limited to closing the facility.*

*(3) A nursing home is not required to obtain accreditation from the Joint Commission on Accreditation of Hospitals.*

SECTION 2. This Act takes effect September 1, 1987.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on May 12, 1987, by a viva-voce vote; and that the Senate concurred in House amendments on May 28, 1987, by a viva-voce vote. Passed the House, with amendments, on May 26, 1987, by a non-record vote.

Approved June 19, 1987.

Effective Sept. 1, 1987.