

AN ACT

relating to the regulation and inspection procedures of certain long-term care facilities, including a survey of certain facilities' emergency power sources.

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

SECTION 1. Section 242.043(a), Health and Safety Code, is amended to read as follows:

(a) The commission [~~department~~] or the commission's [~~department's~~] representative may make any inspection, including an unannounced inspection or follow-up inspection, survey, or investigation that it considers necessary and may enter the premises of an institution at reasonable times to make an inspection, survey, or investigation in accordance with department rules.

SECTION 2. Sections 242.044(a) and (b), Health and Safety Code, are amended to read as follows:

(a) The commission [~~Each licensing period, the department~~] shall annually conduct at least one [~~two~~] unannounced inspection [~~inspections~~] of each institution.

(b) For at least one [~~two~~] unannounced annual inspection [~~inspections each licensing period~~] of an institution, the commission [~~department~~] shall invite at least one person as a citizen advocate from:

- (1) the AARP;

1 (2) the Texas Senior Citizen Association;

2 (3) the department's Certified Long-term Care
3 Ombudsman; or

4 (4) another statewide organization for the elderly.

5 SECTION 3. Subchapter B, Chapter 242, Health and Safety
6 Code, is amended by adding Sections 242.0441 and 242.0442 to read as
7 follows:

8 Sec. 242.0441. FOLLOW-UP INSPECTIONS. (a) The commission
9 or the commission's representative may conduct a follow-up
10 inspection of an institution after conducting an inspection,
11 survey, or investigation of the institution under Section 242.043
12 or 242.044 to:

13 (1) evaluate and monitor the findings of the initial
14 inspection, survey, or investigation; and

15 (2) ensure the commission is citing and punishing
16 institutional deficiencies consistently across the state.

17 (b) If an institution corrects a deficiency cited during a
18 follow-up inspection within the time specified by executive
19 commissioner rule, the commission may not impose additional
20 punitive actions for the deficiency.

21 Sec. 242.0442. COMMISSION EVALUATION OF REGULATORY
22 CAPACITY. (a) Not later than January 31 of each year, the
23 commission shall evaluate the commission's capacity to regulate
24 institutions under this chapter and formulate a strategy to
25 effectively perform licensing duties, enforcement activities, and
26 complaint investigations for that year.

27 (b) The commission shall continue to regularly evaluate the

1 commission's capacity to regulate institutions under this chapter
2 and implement corrective measures as necessary.

3 (c) The commission shall monitor the commission's staffing
4 of employees who perform inspections, surveys, or investigations of
5 institutions under this chapter and fill any vacant positions as
6 soon as possible.

7 (d) Not later than January 1 of each year, the commission
8 shall evaluate the commission's compliance during the previous year
9 with Sections 242.043, 242.044, and 242.0441.

10 SECTION 4. (a) The Health and Human Services Commission
11 shall conduct a survey on the number of facilities licensed under
12 Chapter 242, Health and Safety Code, and the number of assisted
13 living facilities licensed under Chapter 247, Health and Safety
14 Code, that are equipped with an operational emergency generator or
15 comparable emergency power source that is capable of providing
16 continuous electric utility services to the facility during severe
17 weather events or other emergencies.

18 (b) The Health and Human Services Commission shall break
19 down the results of the survey conducted under Subsection (a) based
20 on:

- 21 (1) the type of facility;
22 (2) the size of the facility; and
23 (3) the geographic location of the facility.

24 (c) Not later than September 1, 2022, the Health and Human
25 Services Commission shall submit the results of the survey
26 conducted under Subsection (a) of this section to the members of the
27 House Human Services Committee and the Senate Health and Human

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1 Services Committee, or the successor of those committees.

2 SECTION 5. This Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I certify that H.B. No. 1423 was passed by the House on May 7, 2021, by the following vote: Yeas 101, Nays 39, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1423 on May 28, 2021, by the following vote: Yeas 84, Nays 57, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1423 was passed by the Senate, with amendments, on May 24, 2021, by the following vote: Yeas 29, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor