

By: Campos

H.B. No. 1423

A BILL TO BE ENTITLED

AN ACT

relating to the regulation and inspection procedures of certain long-term care facilities.

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;

(2) the Texas Senior Citizen Association;

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

3 (4) another statewide organization for the elderly.

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

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

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

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

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

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

26 (b) The commission shall continue to regularly evaluate the
27 commission's capacity to regulate institutions under this chapter

1 and implement corrective measures as necessary.

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

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

9 SECTION 4. This Act takes effect September 1, 2021.