

By: Miles

S.B. No. 1396

1 AN ACT

2 relating to end stage renal disease center response to
3 natural and manmade disasters and other emergency conditions.

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

5 SECTION 1. Subchapter D, Chapter 38, Utilities Code, is
6 amended by amending Section 38.072 to read as follows:

7 Sec. 38.072. PRIORITIES FOR POWER RESTORATION TO CERTAIN
8 MEDICAL FACILITIES. (a) In this section:

9 (1) "Assisted living facility" has the meaning
10 assigned by Section 247.002, Health and Safety Code.

11 (2) "Extended power outage" has the meaning assigned
12 by Section 13.1395, Water Code.

13 (3) "Hospice services" has the meaning assigned by
14 Section 142.001, Health and Safety Code.

15 (4) "Nursing facility" has the meaning assigned by
16 Section 242.301, Health and Safety Code.

17 (5) "End stage renal disease facility" has the meaning
18 assigned by Section 251.001, Health and Safety Code.

19 (b) The commission by rule shall require an electric utility
20 to give to the following the same priority that it gives to a
21 hospital in the utility's emergency operations plan for restoring
22 power after an extended power outage:

23 (1) a nursing facility;

24 (2) an assisted living facility; ~~and~~

25 (3) a facility that provides hospice services; ~~and~~ and

1 (4) an end stage renal disease facility.

2 (c) The rules adopted by the commission under Subsection (b)
3 must allow an electric utility to exercise the electric utility's
4 discretion to prioritize power restoration for a facility after an
5 extended power outage in accordance with the facility's needs and
6 with the characteristics of the geographic area in which power must
7 be restored.

8 (d) A municipally owned utility shall report the emergency
9 operations plan for restoring power to a facility listed in
10 Subsection (b) to the municipality's governing body or the body
11 vested with the power to manage and operate the municipally owned
12 utility.

13 (e) An electric cooperative shall report the emergency
14 operations plan for restoring power to a facility listed in
15 Subsection (b) to the board of directors of the electric
16 cooperative.

17 SECTION 2: Section 251, Health & Safety Code is amended
18 by amending Section 251.014(a) to read as follows:

19 Sec. 251.014. MINIMUM STANDARDS. (a) The rules adopted
20 under Section 251.003 must contain minimum standards to protect the
21 health and safety of a patient of an end stage renal disease
22 facility, including standards for:

23 (1) the qualifications and supervision of the
24 professional staff, including physicians, and other personnel;

25 (2) the equipment used by the facility is compatible
26 with the health and safety of the patients;

27 (3) the sanitary and hygienic conditions in the

- 1 facility;
- 2 (4) quality assurance for patient care;
- 3 (5) the provision and coordination of treatment and
4 services by the facility;
- 5 (6) clinical records maintained by the facility;
- 6 (7) design and space requirements for the facility for
7 safe access by patients and personnel and for ensuring patient
8 privacy;
- 9 (8) indicators of the quality of care provided by the
10 facility; ~~and~~
- 11 (9) water treatment and reuse by the facility; ~~and~~
- 12 (10) treating patients during an emergency or national
13 or manmade disaster that includes a requirement for the end stage
14 renal disease facility to develop a comprehensive plan to
15 communicate changes to scheduled dialysis treatments with its
16 patients, execute a contract with an alternate end stage renal
17 disease facility within a 100-mile radius to provide dialysis
18 treatment to the end stage renal disease facility's patients, and a
19 plan by the end state renal disease facility to address
20 transportation to and from dialysis treatment at the alternate end
21 stage renal disease facility.

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