

By: Thierry

H.B. No. 2301

A BILL TO BE ENTITLED

AN ACT

relating to emergency generators or other power sources for nursing facilities and assisted living facilities.

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

SECTION 1. Subchapter B, Chapter 242, Health and Safety Code, is amended by adding Sections 242.053 and 242.054 to read as follows:

Sec. 242.053. EMERGENCY GENERATOR OR OTHER POWER SOURCE.

(a) Each nursing facility licensed under this chapter shall ensure the facility is equipped with an operational emergency generator or comparable emergency power source and a sufficient amount of fuel to operate the generator or power source for a minimum of 72 hours during a power outage in:

(1) an area in the facility of sufficient size to maintain residents safely at all times and that is appropriate for resident needs; and

(2) for a nursing facility that maintains an area in the facility with an installed unit locking device as defined by commission rule to restrict a resident's ability to exit a unit of the facility or the facility, a separately powered area in addition to an area described by Subdivision (1).

(b) An operational emergency generator or comparable emergency power source required by Subsection (a) may be powered by any type of fuel, including natural gas.

1 (c) A nursing facility must comply with Subsection (a) not
2 later than September 1, 2024. A nursing facility may request from
3 the commission an extension not to exceed one year to comply in good
4 faith with Subsection (a). A facility may request not more than two
5 additional one-year extensions and must separately request each
6 extension. This subsection expires September 1, 2027.

7 Sec. 242.054. GENERATOR INSPECTION. In addition to the
8 inspections required under Sections 242.043 and 242.044, the
9 commission shall conduct an annual inspection of each facility's
10 emergency generator or other power source required by Section
11 242.053. The executive commissioner by rule shall prescribe a
12 checklist for an inspection conducted under this section.

13 SECTION 2. Subchapter D, Chapter 247, Health and Safety
14 Code, is amended by adding Sections 247.073 and 247.074 to read as
15 follows:

16 Sec. 247.073. EMERGENCY GENERATOR OR OTHER POWER SOURCE.

17 (a) Each assisted living facility licensed under this chapter
18 shall ensure the facility is equipped with an operational emergency
19 generator or comparable emergency power source and a sufficient
20 amount of fuel to operate the generator or power source for a
21 minimum of 72 hours during a power outage in:

22 (1) an area in the facility of sufficient size to
23 maintain residents safely at all times and that is appropriate for
24 resident needs; and

25 (2) for an assisted living facility that maintains an
26 area in the facility with an installed unit locking device as
27 defined by commission rule to restrict a resident's ability to exit

1 a unit of the facility or the facility, a separately powered area in
2 addition to an area described by Subdivision (1).

3 (b) An operational emergency generator or comparable
4 emergency power source required by Subsection (a) may be powered by
5 any type of fuel, including natural gas.

6 (c) An assisted living facility must comply with Subsection
7 (a) not later than September 1, 2024. An assisted living facility
8 may request from the commission an extension not to exceed one year
9 to comply in good faith with Subsection (a). A facility may request
10 not more than two additional one-year extensions and must
11 separately request each extension. This subsection expires
12 September 1, 2027.

13 Sec. 247.074. GENERATOR INSPECTION. In addition to the
14 inspections required under Sections 247.023(a) and 247.027, the
15 commission shall conduct an annual inspection of each facility's
16 emergency generator or other power source required by Section
17 247.073. The executive commissioner by rule shall prescribe a
18 checklist for an inspection conducted under this section.

19 SECTION 3. As soon as practicable after the effective date
20 of this Act, the executive commissioner of the Health and Human
21 Services Commission shall adopt rules necessary to implement
22 Sections 242.053, 242.054, 247.073, and 247.074, Health and Safety
23 Code, as added by this Act.

24 SECTION 4. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2023.