

## **BILL ANALYSIS**

C.S.H.B. 867  
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Human Services  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Facilities designed for the care of seniors are not required to be equipped with central air. Severe temperature can affect the health condition of seniors. Heat has been the cause of death of some seniors in Texas. House Bill 867 would require nursing homes and assisted living facility that are built or converted to be used as such facility after August 31, 2003 to be equipped with a central air-conditioning system.

### **RULEMAKING AUTHORITY**

This bill expressly delegates rulemaking authority to the Texas Department of Human Services in SECTION 2 and SECTION 3 of this bill.

### **ANALYSIS**

CSHB 867 requires the Texas Department of Human Services (department) to review the rules and minimum standards applicable to an institution licensed under Chapter 242, Health and Safety Code. The bill requires the department, no later than January 1, 2004, to amend the rules and minimum standards to require the affected institution (nursing homes) to use a central air conditioning system or a substantially similar air conditioning system that is capable of maintaining a temperature within the area of the institutions used by residents suitable for the comfort of the residents. The bill provides that the amended rules and standards would apply to an institution or a part of an institution for which construction is begun after the effective date of the amendment, but not later than January 1, 2004. The bill provides that the new rules and standards would also apply to a facility converted to use as an institution.

CSHB 867 requires the department to review the rules and minimum standards applicable to an institution licensed under Chapter 247, Health and Safety Code. The bill requires the department, no later than January 1, 2004, to amend the rules and minimum standard to require the affected institution (assisted living facilities) to use a central air conditioning system or a substantially similar air conditioning system that is capable of maintaining a temperature within the area of the institutions used by residents suitable for the comfort of the residents. The bill provides that the amended rules and standards would apply to an institution or a part of an institution for which construction is begun after the effective date of the amendment, but not later than January 1, 2004. The bill provides that the new rules and standards would also apply to a facility converted to use as an institution.

### **EFFECTIVE DATE**

September 1, 2003.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

CBHB 867 grants the Texas Department of Human Services rulemaking authority to amend the current rules and minimum standards to require nursing homes and assisted living facilities to use a central air conditioning system or a substantially similar air conditioning system that is capable of maintaining a temperature within the area of the institutions used by residents suitable for the comfort of the residents.

House Bill 867 enacted the requirement in the statute.