

1-1 By: Jones of Dallas, Naishtat H.B. No. 867  
1-2 (Senate Sponsor - Deuell)  
1-3 (In the Senate - Received from the House May 6, 2003;  
1-4 May 8, 2003, read first time and referred to Committee on Health  
1-5 and Human Services; May 22, 2003, reported adversely, with  
1-6 favorable Committee Substitute by the following vote: Yeas 8,  
1-7 Nays 0; May 22, 2003, sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR H.B. No. 867 By: Deuell

1-9 A BILL TO BE ENTITLED  
1-10 AN ACT

1-11 relating to minimum standards applicable to certain facilities.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 ARTICLE 1. MINIMUM STANDARDS RELATING TO AIR CONDITIONING

1-14 SECTION 1.01. DEFINITION. In this article, "department"  
1-15 means the Texas Department of Human Services.

1-16 SECTION 1.02. AIR CONDITIONING SYSTEMS FOR NURSING HOMES.

1-17 (a) As soon as practicable after the effective date of this  
1-18 article, the department shall review the rules and minimum  
1-19 standards applicable to an institution licensed under Chapter 242,  
1-20 Health and Safety Code, and adopted under Section 242.037, Health  
1-21 and Safety Code. The department shall ensure that the rules and  
1-22 minimum standards require each affected institution to use a  
1-23 central air conditioning system or a substantially similar air  
1-24 conditioning system that is capable of maintaining a temperature  
1-25 within the areas of the institution used by residents suitable for  
1-26 the comfort of the residents.

1-27 (b) Not later than January 1, 2004, the department shall  
1-28 amend the applicable rules and minimum standards as necessary to  
1-29 comply with Subsection (a) of this section.

1-30 (c) An amendment to the applicable rules and minimum  
1-31 standards made under Subsection (b) of this section applies to an  
1-32 institution or a part of an institution for which construction is  
1-33 begun after the effective date of the amendment, which may not be  
1-34 later than January 1, 2004, including a facility converted to use as  
1-35 an institution after that date.

1-36 SECTION 1.03. AIR CONDITIONING SYSTEMS FOR ASSISTED LIVING  
1-37 FACILITIES. (a) As soon as practicable after the effective date of  
1-38 this article, the department shall review the minimum standards  
1-39 applicable to an assisted living facility licensed under Chapter  
1-40 247, Health and Safety Code, and adopted under Section 247.026,  
1-41 Health and Safety Code. The department shall ensure that the rules  
1-42 and minimum standards require each affected facility to use a  
1-43 central air conditioning system or a substantially similar air  
1-44 conditioning system that is capable of maintaining a temperature  
1-45 within the areas of the facility used by residents suitable for the  
1-46 comfort of the residents.

1-47 (b) Not later than January 1, 2004, the department shall  
1-48 amend the applicable minimum standards as necessary to comply with  
1-49 Subsection (a) of this section.

1-50 (c) An amendment to the applicable minimum standards made  
1-51 under Subsection (b) of this section applies to an assisted living  
1-52 facility or a part of a facility for which construction is begun  
1-53 after the effective date of the amendment, which may not be later  
1-54 than January 1, 2004, including a facility converted to use as an  
1-55 assisted living facility after that date.

1-56 ARTICLE 2. MINIMUM STANDARDS RELATING TO FIRE PROTECTION

1-57 SECTION 2.01. Section 247.030(b), Health and Safety Code,  
1-58 is amended to read as follows:

1-59 (b) The board shall adopt minimum standards for an assisted  
1-60 living facility classified under this section, including standards  
1-61 imposing adequate requirements relating to medication supervision.  
1-62 The board shall modify accessibility and life safety code standards  
1-63 generally applicable to a facility licensed under this chapter as

2-1 necessary for a facility classified under this section to reflect  
2-2 the level of services provided by the facility. The modified  
2-3 standards must be specifically defined by the board and must  
2-4 provide for [~~two-story~~] buildings with three or fewer stories.  
2-5 Buildings with three or fewer stories [~~Two-story buildings~~] must  
2-6 meet all life safety code requirements in regards to protecting  
2-7 vertical openings, as specified in the 1988 edition of the National  
2-8 Fire Protection Association (NFPA) 101, Section 21-2.3.1. With  
2-9 respect to life safety code requirements, an existing building that  
2-10 is converted to a large Type B assisted living facility, as  
2-11 classified by the board, must conform only to Chapter 21 of the 1988  
2-12 edition of the National Fire Protection Association (NFPA) 101.

2-13 SECTION 2.02. An assisted living facility is not required  
2-14 to comply with Section 247.030(b), Health and Safety Code, as  
2-15 amended by this article, before September 1, 2004.

2-16 ARTICLE 3. EFFECTIVE DATE

2-17 SECTION 3.01. This Act takes effect September 1, 2003.

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