

By: Chavez, Wohlgemuth

H.B. No. 2420

Substitute the following for H.B. No. 2420:

By: Wohlgemuth

C.S.H.B. No. 2420

A BILL TO BE ENTITLED

AN ACT

relating to the registration of certain assisted living facilities.

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

SECTION 1. Subchapter B, Chapter 247, Health and Safety Code, is amended by adding Section 247.032 to read as follows:

Sec. 247.032. REGISTRATION OF CERTAIN FACILITIES. (a) The board by rule shall establish a classification and registration for a facility that:

(1) furnishes food and shelter to three or fewer persons who are unrelated to the proprietor of the facility; and

(2) provides personal care services.

(b) A person may not operate a facility described by Subsection (a) unless the person is registered with the department as provided by this section and board rule.

(c) A person may apply for registration under this section by submitting:

(1) an application for registration on a form prescribed by the board; and

(2) a fee of \$50.

(d) A registration is valid until the second anniversary of the date of issuance.

(e) A facility registered under this section shall grant reasonable access to the department and its designees to enable the department to ensure the residents of the facility have access to

1 community services and benefit programs. The department by rule  
2 may establish protocol for:

3 (1) inquiries and visits to a facility; and

4 (2) reporting instances of abuse, neglect, or  
5 exploitation observed or reported during the visits.

6 (f) Notwithstanding Section 48.301, Human Resources Code,  
7 or Section 247.043, the Department of Protective and Regulatory  
8 Services may conduct investigations of abuse, neglect, and  
9 exploitation at facilities registered under this section in  
10 accordance with Chapter 48, Human Resources Code.

11 (g) The department may deny, suspend, or revoke a  
12 registration for a violation of this chapter or a rule adopted under  
13 this chapter.

14 (h) A person who operates a facility without a current  
15 registration or who violates this section or a rule adopted by the  
16 board under this section is subject to the remedies and penalties  
17 provided by Subchapter C as if the person held or is required to  
18 hold a license under this subchapter.

19 SECTION 2. (a) Not later than January 1, 2004, the Texas  
20 Board of Human Services shall adopt the rules necessary to  
21 implement Section 247.032, Health and Safety Code, as added by this  
22 Act.

23 (b) Notwithstanding Section 247.032, Health and Safety  
24 Code, as added by this Act, a facility is not required to register  
25 with the Texas Department of Human Services before March 1, 2004.

26 SECTION 3. This Act takes effect September 1, 2003.