

By: Jones of Dallas

H.B. No. 669

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 executive commissioner of the Health and Human Services Commission 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 rules adopted under this section.

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

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

1 department to ensure the residents of the facility have access to  
2 community services and benefit programs. The executive  
3 commissioner of the Health and Human Services Commission by rule  
4 may establish protocol for:

- 5 (1) inquiries and visits to a facility; and  
6 (2) reporting instances of abuse, neglect, or  
7 exploitation observed or reported during the visits.

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

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

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

21 SECTION 2. (a) Not later than January 1, 2006, the  
22 executive commissioner of the Health and Human Services Commission  
23 shall adopt the rules necessary to implement Section 247.032,  
24 Health and Safety Code, as added by this Act.

25 (b) Notwithstanding Section 247.032, Health and Safety  
26 Code, as added by this Act, a facility is not required to register  
27 with the Department of Aging and Disability Services before March

H.B. No. 669

1 1, 2006.

2 SECTION 3. This Act takes effect September 1, 2005.