

By: Davis of Harris

H.B. No. 1558

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to an alternative method of satisfying certain licensing  
3 and program participation requirements for assisted living  
4 facilities.

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

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

8 Sec. 247.032. ACCREDITATION SURVEY TO SATISFY INSPECTION  
9 REQUIREMENTS. (a) In this section, "accreditation commission"  
10 means the Commission on Accreditation of Rehabilitation Facilities  
11 or the Joint Commission on Accreditation of Healthcare  
12 Organizations.

13 (b) The department shall accept an accreditation survey  
14 from an accreditation commission for an assisted living facility  
15 instead of an inspection under Section 247.023 or an annual  
16 inspection or survey conducted under the authority of Section  
17 247.027, but only if:

18 (1) the accreditation commission's standards meet or  
19 exceed the requirements for licensing of the executive commissioner  
20 of the Health and Human Services Commission for an assisted living  
21 facility;

22 (2) the accreditation commission maintains an  
23 inspection or survey program that, for each assisted living  
24 facility, meets the department's applicable minimum standards as

1 confirmed by the executive commissioner of the Health and Human  
2 Services Commission;

3 (3) the accreditation commission conducts an on-site  
4 inspection or survey of the facility at least as often as required  
5 by Section 247.023 or 247.027 and in accordance with the  
6 department's minimum standards;

7 (4) the assisted living facility submits to the  
8 department a copy of its required accreditation reports to the  
9 accreditation commission in addition to the application, the fee,  
10 and any report required for renewal of a license;

11 (5) the inspection or survey results are available for  
12 public inspection to the same extent that the results of an  
13 investigation or survey conducted under Section 247.023 or 247.027  
14 are available for public inspection; and

15 (6) the department ensures that the accreditation  
16 commission has taken reasonable precautions to protect the  
17 confidentiality of personally identifiable information concerning  
18 the residents of the assisted living facility.

19 (c) The department shall coordinate its licensing  
20 activities with each of the accreditation commissions.

21 (d) Except as specifically provided by this section, this  
22 section does not limit the department in performing any power or  
23 duty under this chapter or inspection authorized by Section  
24 247.027, including taking appropriate action relating to an  
25 assisted living facility, such as suspending or revoking a license,  
26 investigating an allegation of abuse, exploitation, or neglect or  
27 another complaint, assessing an administrative penalty, or closing

1 the facility.

2 (e) This section does not require an assisted living  
3 facility to obtain accreditation from an accreditation commission.

4 SECTION 2. This Act takes effect January 1, 2006.