

AN ACT

relating to an alternative method of satisfying certain licensing and program participation requirements for 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. ACCREDITATION SURVEY TO SATISFY INSPECTION REQUIREMENTS. (a) In this section, "accreditation commission" means the Commission on Accreditation of Rehabilitation Facilities or the Joint Commission on Accreditation of Healthcare Organizations.

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

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

(2) the accreditation commission maintains an inspection or survey program that, for each assisted living 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.

President of the Senate

Speaker of the House

I certify that H.B. No. 1558 was passed by the House on April 22, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1558 was passed by the Senate on May 23, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor