

1-1 By: Davis of Harris (Senate Sponsor - Janek) H.B. No. 1558  
1-2 (In the Senate - Received from the House April 25, 2005;  
1-3 April 26, 2005, read first time and referred to Committee on Health  
1-4 and Human Services; May 16, 2005, reported favorably by the  
1-5 following vote: Yeas 6, Nays 0; May 16, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to an alternative method of satisfying certain licensing  
1-9 and program participation requirements for assisted living  
1-10 facilities.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter B, Chapter 247, Health and Safety  
1-13 Code, is amended by adding Section 247.032 to read as follows:

1-14 Sec. 247.032. ACCREDITATION SURVEY TO SATISFY INSPECTION  
1-15 REQUIREMENTS. (a) In this section, "accreditation commission"  
1-16 means the Commission on Accreditation of Rehabilitation Facilities  
1-17 or the Joint Commission on Accreditation of Healthcare  
1-18 Organizations.

1-19 (b) The department shall accept an accreditation survey  
1-20 from an accreditation commission for an assisted living facility  
1-21 instead of an inspection under Section 247.023 or an annual  
1-22 inspection or survey conducted under the authority of Section  
1-23 247.027, but only if:

1-24 (1) the accreditation commission's standards meet or  
1-25 exceed the requirements for licensing of the executive commissioner  
1-26 of the Health and Human Services Commission for an assisted living  
1-27 facility;

1-28 (2) the accreditation commission maintains an  
1-29 inspection or survey program that, for each assisted living  
1-30 facility, meets the department's applicable minimum standards as  
1-31 confirmed by the executive commissioner of the Health and Human  
1-32 Services Commission;

1-33 (3) the accreditation commission conducts an on-site  
1-34 inspection or survey of the facility at least as often as required  
1-35 by Section 247.023 or 247.027 and in accordance with the  
1-36 department's minimum standards;

1-37 (4) the assisted living facility submits to the  
1-38 department a copy of its required accreditation reports to the  
1-39 accreditation commission in addition to the application, the fee,  
1-40 and any report required for renewal of a license;

1-41 (5) the inspection or survey results are available for  
1-42 public inspection to the same extent that the results of an  
1-43 investigation or survey conducted under Section 247.023 or 247.027  
1-44 are available for public inspection; and

1-45 (6) the department ensures that the accreditation  
1-46 commission has taken reasonable precautions to protect the  
1-47 confidentiality of personally identifiable information concerning  
1-48 the residents of the assisted living facility.

1-49 (c) The department shall coordinate its licensing  
1-50 activities with each of the accreditation commissions.

1-51 (d) Except as specifically provided by this section, this  
1-52 section does not limit the department in performing any power or  
1-53 duty under this chapter or inspection authorized by Section  
1-54 247.027, including taking appropriate action relating to an  
1-55 assisted living facility, such as suspending or revoking a license,  
1-56 investigating an allegation of abuse, exploitation, or neglect or  
1-57 another complaint, assessing an administrative penalty, or closing  
1-58 the facility.

1-59 (e) This section does not require an assisted living  
1-60 facility to obtain accreditation from an accreditation commission.

1-61 SECTION 2. This Act takes effect January 1, 2006.

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