

By: Janek

S.B. No. 1055

A BILL TO BE ENTITLED

AN ACT

relating to an alternative method of satisfying certain licensing 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 confirmed by the executive commissioner of the Health and Human

1 Services Commission;

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

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

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

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

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

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

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

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