

1-1 By: Janek S.B. No. 1055
1-2 (In the Senate - Filed March 7, 2005; March 21, 2005, read
1-3 first time and referred to Committee on Health and Human Services;
1-4 April 18, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 0; April 18, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1055 By: Janek

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to an alternative method of satisfying certain licensing
1-11 requirements for assisted living facilities.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter B, Chapter 247, Health and Safety
1-14 Code, is amended by adding Section 247.032 to read as follows:

1-15 Sec. 247.032. ACCREDITATION SURVEY TO SATISFY INSPECTION
1-16 REQUIREMENTS. (a) In this section, "accreditation commission"
1-17 means the Commission on Accreditation of Rehabilitation Facilities
1-18 or the Joint Commission on Accreditation of Healthcare
1-19 Organizations.

1-20 (b) The department shall accept an accreditation survey
1-21 from an accreditation commission for an assisted living facility
1-22 instead of an inspection under Section 247.023 or an annual
1-23 inspection or survey conducted under the authority of Section
1-24 247.027, but only if:

1-25 (1) the accreditation commission's standards meet or
1-26 exceed the requirements for licensing of the executive commissioner
1-27 of the Health and Human Services Commission for an assisted living
1-28 facility;

1-29 (2) the accreditation commission maintains an
1-30 inspection or survey program that, for each assisted living
1-31 facility, meets the department's applicable minimum standards as
1-32 confirmed by the executive commissioner of the Health and Human
1-33 Services Commission;

1-34 (3) the accreditation commission conducts an on-site
1-35 inspection or survey of the facility at least as often as required
1-36 by Section 247.023 or 247.027 and in accordance with the
1-37 department's minimum standards;

1-38 (4) the assisted living facility submits to the
1-39 department a copy of its required accreditation reports to the
1-40 accreditation commission in addition to the application, the fee,
1-41 and any report required for renewal of a license;

1-42 (5) the inspection or survey results are available for
1-43 public inspection to the same extent that the results of an
1-44 investigation or survey conducted under Section 247.023 or 247.027
1-45 are available for public inspection; and

1-46 (6) the department ensures that the accreditation
1-47 commission has taken reasonable precautions to protect the
1-48 confidentiality of personally identifiable information concerning
1-49 the residents of the assisted living facility.

1-50 (c) The department shall coordinate its licensing
1-51 activities with each of the accreditation commissions.

1-52 (d) Except as specifically provided by this section, this
1-53 section does not limit the department in performing any power or
1-54 duty under this chapter or inspection authorized by Section
1-55 247.027, including taking appropriate action relating to an
1-56 assisted living facility, such as suspending or revoking a license,
1-57 investigating an allegation of abuse, exploitation, or neglect or
1-58 another complaint, assessing an administrative penalty, or closing
1-59 the facility.

1-60 (e) This section does not require an assisted living
1-61 facility to obtain accreditation from an accreditation commission.

1-62 SECTION 2. This Act takes effect January 1, 2006.

