

By: Pickett

H.B. No. 361

A BILL TO BE ENTITLED

AN ACT

1
2 relating to listing certain small facilities furnishing care to
3 residents.

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

5 SECTION 1. Subchapter B, Chapter 247, Health and Safety
6 Code, is amended by adding Section 247.033 to read as follows:

7 Sec. 247.033. LISTING OF CERTAIN SMALL FACILITIES. (a) The
8 executive commissioner of the Health and Human Services Commission
9 by rule shall establish a system for listing each facility that:

10 (1) furnishes food, shelter, and personal care
11 services to three or fewer people who are unrelated to the
12 proprietor of the facility; and

13 (2) provides regular care to the residents of the
14 facility.

15 (b) A facility described by Subsection (a) shall list with
16 the department. A listing remains valid until surrendered.

17 (c) The department shall provide to a listed facility a copy
18 of the listing. A listing must contain a provision that states:

19 "THIS FACILITY IS NOT AN ASSISTED LIVING FACILITY. IT IS NOT
20 LICENSED OR REGISTERED WITH THE DEPARTMENT OF AGING AND DISABILITY
21 SERVICES. IT HAS NOT BEEN INSPECTED AND WILL NOT BE INSPECTED."

22 The operator of a listed facility is not required to display the
23 listing at the home but shall make the listing available for
24 examination.

1 (d) The department shall issue a listing to a facility under
2 this section in both English and Spanish when the most recent
3 federal census shows that more than one-half of the population in a
4 municipality or in a commissioners precinct in a county in which the
5 facility is located is of Hispanic origin or Spanish-speaking.

6 (e) A facility required to list with the department under
7 this section is not otherwise subject to the standards,
8 requirements, or penalties of this chapter.

9 SECTION 2. (a) Not later than January 1, 2008, the
10 executive commissioner of the Health and Human Services Commission
11 shall adopt the rules necessary to implement Section 247.033,
12 Health and Safety Code, as added by this Act.

13 (b) Notwithstanding Section 247.033, Health and Safety
14 Code, as added by this Act, a facility is not required to list with
15 the Department of Aging and Disability Services before March 1,
16 2008.

17 SECTION 3. This Act takes effect September 1, 2007.