

By: Davis of Harris

H.B. No. 404

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the additional exit conference required following  
3 inspection, survey, or investigation of certain facilities.

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

5 SECTION 1. Sections 242.0445(b) and (c), Health and Safety  
6 Code, are amended to read as follows:

7 (b) At the conclusion of an inspection, survey, or  
8 investigation under Section 242.043 or 242.044, the department or  
9 the department's representative conducting the inspection, survey,  
10 or investigation shall discuss the violations with the facility's  
11 management in an exit conference. The department or the  
12 department's representative shall leave a written list of the  
13 violations with the facility at the time of the exit conference. If  
14 the department or the department's representative discovers any  
15 additional violations during the review of field notes or  
16 preparation of the official final list, the department or the  
17 department's representative shall give the facility an additional  
18 exit conference regarding the additional violations. An additional  
19 exit conference must be held in person and may not be held by  
20 telephone, e-mail, or fax.

21 (c) The facility shall submit a plan to correct the  
22 violations to the regional director not later than the 10th working  
23 day after the date the facility receives the final official  
24 statement of violations.

1           SECTION 2. Section 247.0271, Health and Safety Code, is  
2 amended by amending Subsection (c) and adding Subsection (d) to  
3 read as follows:

4           (c) If, after the initial exit conference, additional  
5 violations are cited, the inspector shall conduct an additional  
6 exit conference regarding the newly identified violations. An  
7 additional exit conference must be held in person and may not be  
8 held by telephone, e-mail, or fax.

9           (d) The assisted living facility shall submit a plan of  
10 correction to the regional director with supervisory authority over  
11 the inspector not later than the 10th working day after the date the  
12 facility receives the final official statement of violations.

13           SECTION 3. Sections 252.044(b) and (c), Health and Safety  
14 Code, are amended to read as follows:

15           (b) At the conclusion of an inspection, survey, or  
16 investigation under this chapter, the department or the  
17 department's representative conducting the inspection, survey, or  
18 investigation shall discuss the violations with the facility's  
19 management in an exit conference. The department or the  
20 department's representative shall leave a written list of the  
21 violations with the facility and the person designated by the  
22 facility to receive notice under Section 252.066 at the time of the  
23 exit conference. If the department or the department's  
24 representative discovers any additional violations during the  
25 review of field notes or preparation of the official final list, the  
26 department or the department's representative shall give the  
27 facility an additional exit conference regarding the additional

1 violations. An additional exit conference must be held in person  
2 and may not be held by telephone, e-mail, or fax.

3 (c) The facility shall submit a plan to correct the  
4 violations to the regional director not later than the 10th working  
5 day after the date the facility receives the final official  
6 statement of violations.

7 SECTION 4. This Act takes effect September 1, 2007.