

By: Kolkhorst

H.B. No. 2555

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to licensing, regulation, and reporting regarding certain  
3 facilities providing personal care to persons with disabilities;  
4 providing penalties.

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

6 SECTION 1. Section 252.033(a), Health and Safety Code, is  
7 amended to read as follows:

8 (a) After receiving the application, the department shall:

9 (1) provide public notice and provide an opportunity  
10 for a hearing on the application in accordance with Section  
11 252.0331; and

12 (2) issue a license if, after inspection, ~~and~~  
13 investigation, and consideration of any comments received at a  
14 public hearing, it finds that the applicant and facility meet the  
15 requirements established under this chapter.

16 SECTION 2. Subchapter B, Chapter 252, Health and Safety  
17 Code, is amended by adding Section 252.0331 to read as follows:

18 Sec. 252.0331. PUBLIC NOTICE OF APPLICATION AND HEARING.

19 (a) On receipt of an application for a license under this chapter,  
20 the department shall issue public notice of the application in the  
21 county in which the facility would be licensed.

22 (b) Except as provided by Subsection (d), the department  
23 shall hold a public hearing on the application and give any  
24 interested person an opportunity to appear, present evidence, and

1 be heard for or against licensing the facility.

2 (c) A hearing officer designated by the department shall  
3 hold the hearing.

4 (d) A hearing is not required if before the 11th day after  
5 the date the notice of the application is published, no person has  
6 notified the department in writing that the person intends to  
7 appear and present evidence at the hearing.

8 (e) The public notice provided under this section must  
9 include:

10 (1) the name, including any trade name, of the person  
11 applying for the license to operate the facility;

12 (2) the address of the proposed facility; and

13 (3) the number of residents for which the facility  
14 would be licensed.

15 SECTION 3. Section 252.039, Health and Safety Code, is  
16 amended to read as follows:

17 Sec. 252.039. POSTING. Each facility shall prominently  
18 and conspicuously post for display in a public area of the facility  
19 that is readily available to residents, employees, and visitors:

20 (1) the license issued under this chapter;

21 (2) a sign prescribed by the department that specifies  
22 complaint procedures established under this chapter or rules  
23 adopted under this chapter and that specifies how complaints may be  
24 registered with the department;

25 (3) a notice in a form prescribed by the department  
26 stating that inspection and related reports are available at the  
27 facility and on the Internet for public inspection and providing

1 the department's toll-free telephone number and Internet site  
2 address that may be used to obtain information concerning the  
3 facility;

4 (4) a concise summary of the most recent inspection  
5 report relating to the facility; and

6 (5) notice that employees, other staff, residents,  
7 volunteers, and family members and guardians of residents are  
8 protected from discrimination or retaliation as provided by  
9 Sections 252.132 and 252.133.

10 SECTION 4. Section 252.044, Health and Safety Code, is  
11 amended by adding Subsection (d) to read as follows:

12 (d) Not later than the 30th day after the date the facility  
13 receives the final statement of violations, the facility shall  
14 provide written notice of each violation and the facility's plan of  
15 correction to each resident and the resident's legally authorized  
16 representative.

17 SECTION 5. Subchapter B, Chapter 252, Health and Safety  
18 Code, is amended by adding Section 252.046 to read as follows:

19 Sec. 252.046. INFORMATION REGARDING FACILITIES. (a) Not  
20 later than the 30th day after the date the department provides a  
21 final statement of violations to a facility licensed under this  
22 chapter, the department shall publish and provide information  
23 regarding each final enforcement action taken by the department  
24 under this chapter against a person or facility in which any kind of  
25 sanction is imposed, including:

26 (1) the imposition of a reprimand, a period of  
27 probation, a monetary penalty, or a condition on a person's

1 continued practice or a facility's continued operation; and

2 (2) the refusal to renew or the suspension, probation,  
3 or revocation of a license.

4 (b) Except to the extent that the information is  
5 specifically made confidential under other law, the department  
6 shall, in a way that does not serve to identify a complainant,  
7 publish and provide:

8 (1) the name, including any trade name, of the person  
9 or facility against which an enforcement action was taken;

10 (2) the address of the facility against which an  
11 enforcement action was taken; and

12 (3) the violation that the person or facility was  
13 found to have committed, and the sanction imposed.

14 (c) The department shall publish the information on its  
15 Internet site. The department also shall provide the information  
16 through a toll-free number to members of the public. The department  
17 shall appropriately publicize the toll-free number and the Internet  
18 site address.

19 (d) The executive commissioner of the Health and Human  
20 Services Commission shall adopt rules governing information  
21 published under this section.

22 SECTION 6. Subtitle B, Title 4, Health and Safety Code, is  
23 amended by adding Chapter 254 to read as follows:

24 CHAPTER 254. GROUP HOME FACILITIES SERVING PERSONS WITH  
25 DISABILITIES

26 SUBCHAPTER A. GENERAL PROVISIONS

27 Sec. 254.001. DEFINITIONS. In this chapter:

1           (1) "Department" means the Department of Aging and  
2 Disability Services.

3           (2) "Disabled person" has the meaning assigned by  
4 Section 48.002, Human Resources Code.

5           (3) "Executive commissioner" means the executive  
6 commissioner of the Health and Human Services Commission.

7           (4) "Facility" means an establishment that:

8                   (A) is not required to be licensed under Chapter  
9 242, 246, 247, 250, or 252; and

10                   (B) provides services, including community  
11 meals, light housework, meal preparation, transportation, grocery  
12 shopping, money management, or laundry services to three or more  
13 disabled persons.

14           (5) "Person" means an individual, firm, partnership,  
15 corporation, association, or joint stock company and includes a  
16 legal successor of those entities.

17           (6) "Resident" means an individual who is residing in  
18 a facility licensed under this chapter.

19           Sec. 254.002. RULES GENERALLY. The executive commissioner  
20 shall adopt rules related to the administration and implementation  
21 of this chapter.

22           Sec. 254.003. REPORT OF REFERRALS TO DEPARTMENT. (a) A  
23 state agency, a political subdivision, or a public or private  
24 provider of health care services shall report to the department the  
25 referral to a facility of a disabled person.

26           (b) A state agency, a political subdivision, or a public or  
27 private provider of health care services may not refer a disabled

1 person to a facility that is not licensed by the state as provided  
2 by this chapter or licensed under other state law.

3 [Sections 254.004-254.030 reserved for expansion]

4 SUBCHAPTER B. LICENSING, FEES, AND INSPECTIONS

5 Sec. 254.031. LICENSE REQUIRED. A person, acting severally  
6 or jointly with any other person, may not establish, conduct, or  
7 maintain in this state a facility without a license issued under  
8 this chapter.

9 Sec. 254.032. LICENSE APPLICATION. (a) An application for  
10 a license is made to the department on a form provided by the  
11 department and must be accompanied by the license fee adopted under  
12 Section 254.035.

13 (b) The application must contain information that the  
14 department requires. The department may require affirmative  
15 evidence of ability to comply with the standards and rules adopted  
16 under this chapter.

17 Sec. 254.033. ISSUANCE AND RENEWAL OF LICENSE. (a) After  
18 receiving the application, the department shall:

19 (1) provide public notice and provide an opportunity  
20 for a hearing on the application in accordance with Section  
21 254.034; and

22 (2) issue a license if, after inspection,  
23 investigation, and consideration of any comments received at a  
24 public hearing, it finds that the applicant and facility meet the  
25 requirements established under this chapter.

26 (b) The department may issue a license only for the premises  
27 and persons named in the application.

1 (c) A license may not be transferred or assigned.

2 (d) A license is renewable on the second anniversary of  
3 issuance or renewal of the license after:

4 (1) an inspection; and

5 (2) payment of the renewal fee.

6 (e) The executive commissioner by rule shall define  
7 specific, appropriate, and objective criteria on which the  
8 department may deny an initial license application or license  
9 renewal or revoke a license.

10 Sec. 254.034. PUBLIC NOTICE OF APPLICATION AND HEARING.

11 (a) On receipt of an application for a license under this chapter,  
12 the department shall issue public notice of the application in the  
13 county in which the facility would be licensed.

14 (b) Except as provided by Subsection (d), the department  
15 shall hold a public hearing on the application and give any  
16 interested person an opportunity to appear, present evidence, and  
17 be heard for or against licensing the facility.

18 (c) A hearing officer designated by the department shall  
19 hold the hearing.

20 (d) A hearing is not required if before the 11th day after  
21 the date the notice of the application is published, no person has  
22 notified the department in writing that the person intends to  
23 appear and present evidence at the hearing.

24 (e) The public notice provided under this section must  
25 include:

26 (1) the name, including any trade name, of the person  
27 applying for the license to operate the facility;

1           (2) the address of the proposed facility; and  
2           (3) the number of residents for which the facility  
3 would be licensed.

4           Sec. 254.035. LICENSE FEES. (a) The executive  
5 commissioner by rule may adopt a fee for a license issued under this  
6 chapter in an amount reasonable and necessary to recover the costs  
7 of administering this chapter.

8           (b) The license fee must be paid with each application for  
9 an initial license or for a renewal or change of ownership of a  
10 license.

11           Sec. 254.036. DENIAL, SUSPENSION, OR REVOCATION OF  
12 LICENSE. The department, after providing notice and opportunity  
13 for a hearing to the applicant or license holder, may deny, suspend,  
14 or revoke a license if the department finds that the applicant or  
15 license holder has substantially failed to comply with the  
16 requirements established under this chapter or under department  
17 rules.

18           Sec. 254.037. MINIMUM STANDARDS. (a) The executive  
19 commissioner may adopt, publish, and enforce minimum standards to  
20 ensure the residents' health, safety, and comfort.

21           (b) The standards must be consistent with and at least as  
22 stringent as the standards applicable to a facility licensed under  
23 Chapter 252, except that the executive commissioner may waive a  
24 standard that is inappropriate due to the size of the facility.

25           Sec. 254.038. REASONABLE TIME TO COMPLY. The executive  
26 commissioner by rule shall give a facility that is in operation when  
27 a rule or standard is adopted under this chapter a reasonable time



1 to comply with the rule or standard.

2 Sec. 254.039. POSTING. Each facility shall prominently  
3 and conspicuously post for display in a public area of the facility  
4 that is readily available to residents, the operator, any  
5 employees, and visitors:

6 (1) the license issued under this chapter;

7 (2) a sign prescribed by the executive commissioner  
8 that specifies complaint procedures established under this chapter  
9 or rules adopted under this chapter and that specifies how  
10 complaints, including anonymous complaints, may be registered with  
11 the department;

12 (3) a notice in a form prescribed by the executive  
13 commissioner stating that inspection and related reports are  
14 available at the facility and on the Internet for public inspection  
15 and providing the department's toll-free telephone number and  
16 Internet site address that may be used to obtain information  
17 concerning the facility;

18 (4) a concise summary of the most recent inspection  
19 report relating to the facility; and

20 (5) notice that the operator, any employees, other  
21 staff, residents, volunteers, and family members and guardians of  
22 residents are protected from retaliation as provided by Section  
23 254.122.

24 Sec. 254.040. INSPECTIONS. (a) The department may make  
25 any inspection, survey, or investigation that it considers  
26 necessary and may enter the premises of a facility at reasonable  
27 times to make an inspection, survey, or investigation in accordance

1 with rules of the executive commissioner.

2 (b) The department is entitled to access books, records, and  
3 other documents maintained by or on behalf of a facility to the  
4 extent necessary to enforce this chapter and the rules adopted  
5 under this chapter.

6 (c) A license holder or an applicant for a license is  
7 considered to have consented to entry and inspection of the  
8 facility by a representative of the department in accordance with  
9 this chapter.

10 (d) The department shall establish procedures to preserve  
11 all relevant evidence of conditions the department finds during an  
12 inspection, survey, or investigation that the department  
13 reasonably believes threaten the health and safety of a resident.  
14 The procedures may include photography or photocopying of relevant  
15 documents, such as license holder's notes, physician's orders, and  
16 pharmacy records, for use in any legal proceeding.

17 (e) When photographing a resident, the department:

18 (1) shall respect the privacy of the resident to the  
19 greatest extent possible; and

20 (2) may not make public the identity of the resident.

21 (f) A facility, the operator, an employee of a facility, and  
22 a resident's attending physician are not civilly liable for  
23 surrendering confidential or private material under this section,  
24 including physician's orders, pharmacy records, notes and  
25 memoranda of a state office, and resident files.

26 (g) The department shall establish in clear and concise  
27 language a form to summarize each inspection report and complaint

1 investigation report.

2 (h) The department shall establish proper procedures to  
3 ensure that copies of all forms and reports under this section are  
4 made available to consumers, residents, and the relatives of  
5 residents as the department considers proper.

6 (i) The department shall have specialized staff conduct  
7 inspections, surveys, or investigations of facilities under this  
8 section.

9 Sec. 254.041. UNANNOUNCED INSPECTIONS. (a) Each  
10 licensing period, the department shall conduct at least two  
11 unannounced inspections of each facility.

12 (b) In order to ensure continuous compliance, the  
13 department shall randomly select a sufficient percentage of  
14 facilities for unannounced inspections to be conducted between 5  
15 p.m. and 8 a.m. Those inspections must be cursory to avoid to the  
16 greatest extent feasible any disruption of the residents.

17 (c) The department may require additional inspections.

18 Sec. 254.042. DISCLOSURE OF UNANNOUNCED INSPECTIONS;  
19 CRIMINAL PENALTY. (a) Except as expressly provided by this  
20 chapter, a person commits an offense if the person intentionally,  
21 knowingly, or recklessly discloses to an unauthorized person the  
22 date, time, or any other fact about an unannounced inspection of a  
23 facility before the inspection occurs.

24 (b) In this section, "unauthorized person" does not  
25 include:

26 (1) the department;

27 (2) the office of the attorney general; or

1           (3) any other person or entity authorized by law to  
2 make an inspection or to accompany an inspector.

3           (c) An offense under this section is a Class B misdemeanor.

4           (d) A person convicted under this section is not eligible  
5 for state employment.

6           Sec. 254.043. REPORTING VIOLATIONS. (a) The department or  
7 the department's representative conducting an inspection, survey,  
8 or investigation under this chapter shall:

9           (1) list each violation of a law or rule on a form  
10 designed by the department for inspections; and

11           (2) identify the specific law or rule the facility  
12 violates.

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

27           (c) The facility shall submit a plan to correct the

1 violations to the department not later than the 10th day after the  
2 date the facility receives the final statement of violations.

3 (d) Not later than the 30th day after the date the facility  
4 receives the final statement of violations, the facility shall  
5 provide written notice of each violation and the facility's plan of  
6 correction to each resident and the resident's legally authorized  
7 representative.

8 [Sections 254.044-254.060 reserved for expansion]

9 SUBCHAPTER C. GENERAL ENFORCEMENT

10 Sec. 254.061. EMERGENCY SUSPENSION OR CLOSING ORDER. (a)  
11 The department shall suspend a facility's license or order an  
12 immediate closing of part of the facility if:

13 (1) the department finds the facility is operating in  
14 violation of the standards prescribed by this chapter; and

15 (2) the violation creates an immediate threat to the  
16 health and safety of a resident.

17 (b) The executive commissioner by rule shall provide for the  
18 placement of residents during the facility's suspension or closing  
19 to ensure their health and safety.

20 (c) An order suspending a license or closing a part of a  
21 facility under this section is immediately effective on the date on  
22 which the license holder receives written notice or a later date  
23 specified in the order.

24 (d) An order suspending a license or ordering an immediate  
25 closing of a part of a facility is valid for 10 days after the  
26 effective date of the order.

27 Sec. 254.062. INJUNCTION. (a) The department may petition

1 a district court for a temporary restraining order to restrain a  
2 person from continuing a violation of the standards prescribed by  
3 this chapter if the department finds that the violation creates an  
4 immediate threat to the health and safety of the facility's  
5 residents.

6 (b) A district court, on petition of the department, may by  
7 injunction:

8 (1) prohibit a person from continuing a violation of  
9 the standards or licensing requirements prescribed by this chapter;

10 (2) restrain or prevent the establishment,  
11 management, or operation of a facility without a license issued  
12 under this chapter; or

13 (3) grant the injunctive relief warranted by the facts  
14 on a finding by the court that a person is violating the standards  
15 or licensing requirements prescribed by this chapter.

16 (c) The attorney general, on request by the department,  
17 shall bring and conduct on behalf of the state a suit authorized by  
18 this section.

19 (d) A suit for a temporary restraining order or other  
20 injunctive relief must be brought in Travis County or the county in  
21 which the alleged violation occurs.

22 Sec. 254.063. LICENSE REQUIREMENTS; CRIMINAL PENALTY. (a)  
23 A person commits an offense if the person violates Section 254.031.

24 (b) An offense under this section is punishable by a fine of  
25 not more than \$1,000 for the first offense and not more than \$500  
26 for each subsequent offense.

27 (c) Each day of a continuing violation after conviction is a

1 separate offense.

2 Sec. 254.064. CIVIL PENALTY. (a) A person who violates  
3 this chapter or a rule adopted or order issued under this chapter is  
4 liable for a civil penalty of not less than \$100 or more than  
5 \$10,000 for each violation if the department determines the  
6 violation threatens the health and safety of a resident.

7 (b) Each day of a continuing violation constitutes a  
8 separate ground for recovery.

9 (c) On request of the department, the attorney general may  
10 institute an action in a district court to collect a civil penalty  
11 under this section. Any amount collected shall be remitted to the  
12 comptroller for deposit to the credit of the general revenue fund.

13 Sec. 254.065. ADMINISTRATIVE PENALTY. (a) The department  
14 may impose an administrative penalty against a facility that  
15 violates this chapter or a rule adopted or order issued under this  
16 chapter.

17 (b) The penalty for a facility may not be less than \$100 or  
18 more than \$1,000 for each violation. The total amount of the  
19 penalty assessed for a violation continuing or occurring on  
20 separate days under this subsection may not exceed \$5,000. Each day  
21 a violation occurs and each day of a continuing violation is a  
22 separate violation for purposes of imposing a penalty.

23 (c) The executive commissioner by rule shall specify each  
24 violation for which an administrative penalty may be assessed. In  
25 determining which violations warrant penalties, the department  
26 shall consider:

27 (1) the seriousness of the violation, including the

1 nature, circumstances, extent, and gravity of the violation and the  
2 hazard of the violation to the health or safety of residents; and

3 (2) whether the affected facility had identified the  
4 violation as a part of its internal quality assurance process and  
5 had made appropriate progress on correction.

6 (d) The executive commissioner by rule shall establish a  
7 specific and detailed schedule of appropriate and graduated  
8 penalties for each violation based on:

9 (1) the seriousness of the violation, including the  
10 nature, circumstances, extent, and gravity of the violation and the  
11 hazard of the violation to the health or safety of residents;

12 (2) the history of previous violations;

13 (3) whether the affected facility had identified the  
14 violation as a part of its internal quality assurance process and  
15 had made appropriate progress on correction;

16 (4) the amount necessary to deter future violations;

17 (5) efforts made to correct the violation;

18 (6) the size of the facility; and

19 (7) any other matters that justice may require.

20 (e) The executive commissioner by rule shall provide the  
21 facility with a reasonable period of time, not less than 45 days,  
22 following the first day of a violation to correct the violation  
23 before assessing an administrative penalty if a plan of correction  
24 has been implemented. This subsection does not apply to a violation  
25 that the department determines has resulted in serious harm to or  
26 the death of a resident or constitutes a serious threat to the  
27 health or safety of a resident.



1       (f) The department may not assess an administrative penalty  
2 for a minor violation if the person corrects the violation not later  
3 than the 46th day after the date the person receives notice of the  
4 violation.

5       (g) The department shall establish a system to ensure  
6 standard and consistent application of penalties regardless of the  
7 facility location.

8       (h) All proceedings for the assessment of an administrative  
9 penalty under this chapter are subject to Chapter 2001, Government  
10 Code.

11       (i) Notwithstanding any other provision of this section, an  
12 administrative penalty ceases to be incurred on the date a  
13 violation is corrected. The administrative penalty ceases to be  
14 incurred only if the facility:

15               (1) notifies the department in writing of the  
16 correction of the violation and of the date the violation was  
17 corrected; and

18               (2) shows later that the violation was corrected.

19       (j) Rules adopted under this section shall include  
20 specific, appropriate, and objective criteria that describe the  
21 scope and severity of a violation that results in a recommendation  
22 for each specific penalty.

23       [Sections 254.066-254.090 reserved for expansion]

24               SUBCHAPTER D. NOTIFICATION OF CLOSURE

25       Sec. 254.091. NOTIFICATION OF CLOSURE. (a) A facility that  
26 is closing temporarily or permanently, voluntarily or  
27 involuntarily, shall notify the residents of the closing and make

1 reasonable efforts to notify in writing each resident's nearest  
2 relative or the person responsible for the resident's support  
3 within a reasonable time before the facility closes.

4 (b) If the department orders a facility to close or the  
5 facility's closure is in any other way involuntary, the facility  
6 shall make the notification, orally or in writing, immediately on  
7 receiving notice of the closing.

8 (c) If the facility's closure is voluntary, the facility  
9 shall make the notification not later than one week after the date  
10 on which the decision to close is made.

11 Sec. 254.092. CRIMINAL PENALTY FOR FAILURE TO NOTIFY. (a)  
12 A facility commits an offense if the facility knowingly fails to  
13 comply with Section 254.091.

14 (b) An offense under this section is a Class A misdemeanor.

15 [Sections 254.093-254.120 reserved for expansion]

16 SUBCHAPTER E. REPORTS OF ABUSE, NEGLECT, OR EXPLOITATION

17 Sec. 254.121. REPORTING OF ABUSE, NEGLECT, OR EXPLOITATION;  
18 PENALTY. (a) A person, including an owner, operator, or employee  
19 of a facility, who has cause to believe that a resident has been  
20 abused, neglected, or exploited or may be adversely affected by  
21 abuse, neglect, or exploitation caused by another person shall  
22 report the abuse, neglect, or exploitation in the same manner  
23 required by Section 48.051, Human Resources Code.

24 (b) A person commits an offense if the person has cause to  
25 believe that a resident of a facility licensed under this chapter  
26 has been abused, neglected, or exploited or is in the state of  
27 abuse, neglect, or exploitation and knowingly fails to report in

1 accordance with this section. An offense under this subsection is a  
2 Class A misdemeanor.

3 (c) Each facility shall require each employee of the  
4 facility, as a condition of employment with the facility, to sign a  
5 statement that the employee realizes that the employee may be  
6 criminally liable under this section for failure to report abuse,  
7 neglect, or exploitation.

8 Sec. 254.122. RETALIATION PROHIBITED. (a) A facility may  
9 not retaliate against a person for filing a report or providing  
10 information in good faith relating to the possible abuse, neglect,  
11 or exploitation of a resident.

12 (b) This section does not prohibit a facility from  
13 terminating an employee for a reason other than retaliation.

14 Sec. 254.123. ANONYMOUS REPORTS OF ABUSE, NEGLECT, OR  
15 EXPLOITATION. (a) The department shall provide a method for the  
16 receipt of anonymous complaints regarding the possible abuse,  
17 neglect, or exploitation of a resident.

18 (b) The department shall receive and act on an anonymous  
19 report of abuse, neglect, or exploitation at a facility in  
20 accordance with rules adopted by the executive commissioner.

21 [Sections 254.124-254.150 reserved for expansion]

22 SUBCHAPTER F. REPORTING

23 Sec. 254.151. INFORMATION REGARDING FACILITIES. (a) Not  
24 later than the 30th day after the date the department provides a  
25 final statement of violations to a facility licensed under this  
26 chapter, the department shall publish and provide information  
27 regarding each final enforcement action taken by the department

1 under this chapter against a person or facility in which any kind of  
2 sanction is imposed, including:

3 (1) the imposition of a reprimand, a period of  
4 probation, a monetary penalty, or a condition on a person's  
5 continued practice or a facility's continued operation; and

6 (2) the refusal to renew or the suspension, probation,  
7 or revocation of a license.

8 (b) Except to the extent that the information is  
9 specifically made confidential under other law, the department  
10 shall, in a way that does not serve to identify a complainant,  
11 publish and provide:

12 (1) the name, including any trade name, of the person  
13 or facility against which an enforcement action was taken;

14 (2) the address of the facility against which an  
15 enforcement action was taken; and

16 (3) the violation that the person or facility was  
17 found to have committed, and the sanction imposed.

18 (c) The department shall publish the information on its  
19 Internet site. The department also shall provide the information  
20 through a toll-free number to members of the public. The department  
21 shall appropriately publicize the toll-free number and the Internet  
22 site address.

23 (d) The executive commissioner shall adopt rules governing  
24 information published under this section.

25 Sec. 254.152. REPORTS RELATING TO RESIDENT DEATHS;  
26 STATISTICAL INFORMATION. (a) A facility licensed under this  
27 chapter shall submit a report to the department concerning the

1 death of:

2 (1) a facility resident; and

3 (2) a former resident that occurs 24 hours or less  
4 after the former resident is transferred from the facility to a  
5 hospital.

6 (b) The report must be submitted not later than the 10th  
7 working day after the last day of each month in which a resident  
8 dies. The facility must make the report on a form prescribed by the  
9 department. The report must contain the name and social security  
10 number of the deceased.

11 (c) The department shall correlate reports under this  
12 section with death certificate information to develop data relating  
13 to the:

14 (1) name and age of the deceased;

15 (2) official cause of death listed on the death  
16 certificate;

17 (3) date, time, and place of death; and

18 (4) name and address of the facility in which the  
19 deceased resided.

20 (d) Unless specified by executive commissioner rule, a  
21 record under this section is confidential and not subject to the  
22 provisions of Chapter 552, Government Code.

23 (e) The department shall develop statistical information on  
24 official causes of death to determine patterns and trends of  
25 incidents of death among disabled persons in specific facilities.  
26 Information developed under this subsection is not confidential.

27 (f) A licensed facility shall make available on the request

1 of an applicant or an applicant's representative historical  
2 statistics on all required information.

3 SECTION 7. The changes to Chapter 252, Health and Safety  
4 Code, as amended by this Act, apply to a facility that receives a  
5 license or renews a license under that chapter on or after the  
6 effective date of this Act.

7 SECTION 8. Notwithstanding Sections 254.031 and 254.063,  
8 Health and Safety Code, as added by this Act, a facility is not  
9 required to be licensed under Chapter 254, Health and Safety Code,  
10 as added by this Act, before January 1, 2008.

11 SECTION 9. This Act takes effect September 1, 2007.