

BILL ANALYSIS

C.S.H.B. 2248
By: Turner, Sylvester
Defense & Veterans' Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

A recommendation from the House Select Committee on Hurricane Ike Storm Devastation to the Texas Gulf Coast suggests that facilities that provide care to the sick, elderly, and to special needs populations create plans for evacuation and "sheltering in place."

C.S.H.B. 2248 requires the emergency plans of a facility that provides care to sick, elderly, and special needs populations to be submitted to the city or county in which the facility is located and to be reviewed and approved by the division of emergency management in the governor's office. In addition, the bill requires facilities to submit an approved emergency plan when applying or renewing their licenses and requires facilities to perform an emergency management drill at a random time at least once every three months.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2248 amends the Health and Safety Code to require a convalescent or nursing home or related institution, a continuing care facility, and an assisted living facility located in an area prone to severe weather to prepare and keep current an emergency management plan providing for disaster mitigation, preparedness, response, and recovery, as soon as practicable after September 1, 2009. The bill requires each plan to provide for evacuation of the institution or facility and sheltering at the institution or facility by the residents for the duration of the emergency, and requires each institution or facility to submit its emergency management plan to the division of emergency management in the governor's office and the city or county in which the institution or facility is located.

C.S.H.B. 2248 requires a convalescent or nursing home or related institution, a continuing care facility, and an assisted living facility subject to the above provisions to perform an emergency management drill at a random time at least once every three months, and requires the institution or facility to use of the emergency management drills to test the institution or facility's procedures during an emergency for evacuating and relocating the institution or facility's residents and staff and for sheltering the residents and staff in the institution or facility; and to improve the efficiency, knowledge, and response of institution or facility staff in implementing the emergency management plan. The bill requires the institution or facility to ensure that an emergency management drill causes as little disruption to residents as possible.

C.S.H.B. 2248 requires each applicant for a convalescent or nursing home or related institution license, an assisted living facility license, or a renewal of such a license to submit evidence of approval of the institution's or facility's emergency management plan under these provisions, if applicable, by the emergency management division in the governor's office. The bill includes a requirement in the application for a certificate of authority as it relates to a continuing care

facility that the applicant has submitted evidence of approval of the facility's emergency management plan under these provisions, if applicable, by the emergency management division in the governor's office. The bill defines an "area prone to severe weather" as each county in Texas that is located wholly or partly within 100 miles of the Gulf of Mexico.

C.S.H.B. 2248 amends the Government Code to require the division of emergency management in the governor's office to review each emergency management plan submitted under these provisions and suggest changes to a plan as necessary to ensure safety of the residents of the facility or institution. The bill requires the division to approve a plan as appropriate and provide evidence of the division's approval to the facility or institution.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2248 differs from the original by requiring a convalescent or nursing home or related institution, a continuing care facility, and an assisted living facility located in an area prone to severe weather to prepare and keep an emergency management plan and defining an "area prone to severe weather" as each county in Texas that is located wholly or partly within 100 miles of the Gulf of Mexico, whereas the original requires such an institution or facility to prepare and keep an emergency management plan.

C.S.H.B. 2248 adds provisions not in the original requiring a convalescent or nursing home or related institution, a continuing care facility, and an assisted living facility to perform an emergency management drill at a random time at least once every three months; requiring the institution or facility to use of the emergency management drills to test the institution or facility's procedures during an emergency for evacuating and relocating the institution or facility's residents and staff and for sheltering the residents and staff in the institution or facility; to improve the efficiency, knowledge, and response of institution or facility staff in implementing the emergency management plan; and requiring the institution or facility to ensure that an emergency management drill causes as little disruption to residents as possible.