

By: Riddle

H.B. No. 510

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the registration of certain assisted living facilities;
3 providing penalties.

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. REGISTRATION OF CERTAIN FACILITIES. (a) The
8 executive commissioner of the Health and Human Services Commission
9 by rule shall require registration for a facility that:

10 (1) furnishes food and shelter to three or fewer
11 persons who are unrelated to the proprietor of the facility; and

12 (2) provides personal care services.

13 (b) A person may not operate a facility described by
14 Subsection (a) unless the person registers the facility with the
15 department according to this section and rules adopted under this
16 section.

17 (c) A person may apply for registration of a facility under
18 this section by submitting:

19 (1) an application for registration on a form
20 prescribed by the department; and

21 (2) a fee of \$200.

22 (d) A registration is valid until the second anniversary of
23 the date of issuance.

24 (e) A facility registered under this section shall grant

1 reasonable access to the department and its designees:

2 (1) for inquiries and visits to a facility; and

3 (2) to permit reporting of instances of abuse,
4 neglect, or exploitation observed or reported during the visits.

5 (f) Notwithstanding Section 48.301, Human Resources Code,
6 or Section 247.043, the Department of Family and Protective
7 Services may conduct investigations of abuse, neglect, and
8 exploitation at facilities registered under this section in
9 accordance with Chapter 48, Human Resources Code.

10 (g) The department may deny, suspend, or revoke a
11 registration for a violation of this chapter or a rule adopted under
12 this chapter.

13 (h) A person who operates a facility that is required to be
14 registered under this section without a current registration or who
15 violates this section or a rule adopted under this section is
16 subject to the remedies and penalties provided by Subchapter C as if
17 the person held or is required to hold a license under this
18 subchapter.

19 SECTION 2. (a) Not later than January 1, 2010, the
20 executive commissioner of the Health and Human Services Commission
21 shall adopt the rules necessary to implement Section 247.033,
22 Health and Safety Code, as added by this Act.

23 (b) Notwithstanding Section 247.033, Health and Safety
24 Code, as added by this Act, a facility is not required to register
25 with the Department of Aging and Disability Services before March
26 1, 2010.

27 SECTION 3. This Act takes effect September 1, 2009.