

By: Pierson

H.B. No. 1244

A BILL TO BE ENTITLED

AN ACT

relating to a provisional license for convalescent and nursing home facilities.

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

SECTION 1. Subchapter B, Chapter 242, Health and Safety Code, is amended by adding Section 242.0337 to read as follows:

Sec. 242.0337. PROVISIONAL LICENSE. (a) The department by rule shall establish procedures to issue a six-month provisional license to a newly constructed facility, including a newly constructed facility intended to replace an existing or previously operating facility. The department may issue a provisional license under this subsection only if:

(1) the facility is in compliance with resident care standards;

(2) the facility meets all life safety code and physical plant requirements;

(3) all local approvals have been obtained;

(4) a complete license application is submitted within 30 days of the receipt of all local approvals; and

(5) the license fee has been paid.

(b) The department by rule shall establish procedures to issue a 90-day provisional license to a facility that holds an unexpired temporary change of ownership license under Section 242.0336. The provisional license shall take effect on the date the

1 temporary change of ownership license expires.

2 (c) The department shall issue a license under Section
3 242.033 to a facility after the provisional license expires if the
4 department determines that the facility meets the requirements
5 under Section 242.033.

6 (d) The department shall adopt rules to implement this
7 section.

8 SECTION 2. Section 242.034(e), Health and Safety Code, is
9 amended to read as follows:

10 (e) The applicable license fee must be paid with each
11 application for a probationary license, an initial license, a
12 renewal license, a provisional license for a newly constructed
13 facility under Section 242.0337(a), or a temporary change of
14 ownership license under Section 242.0336.

15 SECTION 3. Not later than January 1, 2010, the executive
16 commissioner of the Health and Human Services Commission shall
17 adopt the rules required by Section 242.0337, Health and Safety
18 Code, as added by this Act.

19 SECTION 4. Section 242.0337, Health and Safety Code, as
20 added by this Act, applies to an application for a provisional
21 license submitted on or after January 1, 2010.

22 SECTION 5. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2009.