

By: Turner of Harris

H.B. No. 2248

A BILL TO BE ENTITLED

AN ACT

relating to an emergency management plan for certain health care facilities.

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

SECTION 1. Subchapter C, Chapter 418, Government Code, is amended by adding Section 418.049 to read as follows:

Sec. 418.049. EMERGENCY MANAGEMENT PLAN FOR CERTAIN HEALTH CARE FACILITIES. (a) The division shall review each emergency management plan submitted under Sections 242.018, 246.008, and 247.007, Health and Safety Code, and suggest changes to a plan as necessary to ensure safety of the residents of the facility or institution.

(b) The division shall approve a plan as appropriate and provide evidence of the division's approval to the facility or institution.

SECTION 2. Subchapter A, Chapter 242, Health and Safety Code, is amended by adding Sections 242.018 and 242.019 to read as follows:

Sec. 242.018. EMERGENCY MANAGEMENT PLAN. (a) For purposes of this section, "area prone to severe weather" means each county in this state that is located wholly or partly within 100 miles of the Gulf of Mexico.

(b) An institution located in an area prone to severe weather shall prepare and keep current an emergency management plan

providing for disaster mitigation, preparedness, response, and recovery.

(c) The plan must provide for:

(1) evacuation of the institution; and

(2) sheltering at the institution by the residents for the duration of the emergency.

(d) Each institution shall submit the institution's emergency management plan to the division of emergency management in the governor's office and the city or county in which the institution is located.

Sec. 242.019. EMERGENCY MANAGEMENT DRILL. (a) An institution subject to Section 242.018 shall perform an emergency management drill at a random time at least once every six months.

(b) An institution shall use the emergency management drills to:

(1) test the institution's procedures during an emergency for evacuating and relocating the institution's residents and staff and for sheltering the residents and staff in the institution; and

(2) improve the efficiency, knowledge, and response of institution staff in implementing the emergency management plan under Section 242.018.

(c) The institution shall ensure that an emergency management drill causes as little disruption to residents as possible.

SECTION 3. Section 242.032, Health and Safety Code, is amended by adding Subsection (c-1) to read as follows:

1 (c-1) Each applicant for a license or a renewal of a license
2 shall submit evidence of approval of the institution's emergency
3 management plan under Section 242.018, if applicable, by the
4 emergency management division in the governor's office.

5 SECTION 4. Subchapter A, Chapter 246, Health and Safety
6 Code, is amended by adding Sections 246.008 and 246.009 to read as
7 follows:

8 Sec. 246.008. EMERGENCY MANAGEMENT PLAN. (a) For purposes
9 of this section, "area prone to severe weather" means each county in
10 this state that is located wholly or partly within 100 miles of the
11 Gulf of Mexico.

12 (b) Each facility located in an area prone to severe weather
13 shall prepare and keep current an emergency management plan
14 providing for disaster mitigation, preparedness, response, and
15 recovery.

16 (c) The plan must provide for:

17 (1) evacuation of the facility; and
18 (2) sheltering at the facility by the residents for
19 the duration of the emergency.

20 (d) Each facility shall submit the facility's emergency
21 management plan to the division of emergency management in the
22 governor's office and the city or county in which the facility is
23 located.

24 Sec. 246.009. EMERGENCY MANAGEMENT DRILL. (a) A facility
25 subject to Section 246.008 shall perform an emergency management
26 drill at a random time at least once every three months.

27 (b) A facility shall use the emergency management drills to:

1 (1) test the facility's procedures during an emergency
2 for evacuating and relocating facility residents and staff and for
3 sheltering facility residents and staff at the facility; and

4 (2) improve the efficiency, knowledge, and response of
5 facility staff in implementing the emergency management plan under
6 Section 246.008.

7 (c) A facility shall ensure that an emergency management
8 drill causes as little disruption to residents as possible.

9 SECTION 5. Section 246.022(c), Health and Safety Code, is
10 amended to read as follows:

11 (c) The commissioner shall grant an application for a
12 certificate of authority if the commissioner finds that:

13 (1) the applicant or the facility is financially
14 sound;

15 (2) the competence, experience, and integrity of the
16 applicant, its board of directors, its officers, or its management
17 make it in the public interest to issue the certificate; ~~and~~

18 (3) the applicant is capable of complying with this
19 chapter; and

20 (4) the applicant has submitted evidence of approval
21 of the facility's emergency management plan under Section 246.008,
22 if applicable, by the emergency management division in the
23 governor's office.

24 SECTION 6. Subchapter A, Chapter 247, Health and Safety
25 Code, is amended by adding Sections 247.007 and 247.008 to read as
26 follows:

27 Sec. 247.007. EMERGENCY MANAGEMENT PLAN. (a) For purposes

1 of this section, "area prone to severe weather" means each county in
2 this state that is located wholly or partly within 100 miles of the
3 Gulf of Mexico.

4 (b) Each assisted living facility licensed in this state
5 that is located in an area prone to severe weather shall prepare and
6 keep current an emergency management plan providing for disaster
7 mitigation, preparedness, response, and recovery.

8 (c) The plan must provide for:

9 (1) evacuation of the assisted living facility; and
10 (2) sheltering at the assisted living facility by the
11 facility residents for the duration of the emergency.

12 (d) Each assisted living facility shall submit the
13 facility's emergency management plan to the division of emergency
14 management in the governor's office and the city or county in which
15 the facility is located.

16 Sec. 247.008. EMERGENCY MANAGEMENT DRILL. (a) An assisted
17 living facility subject to Section 247.007 shall perform an
18 emergency management drill at a random time at least once every
19 three months.

20 (b) An assisted living facility shall use the emergency
21 management drills to:

22 (1) test the assisted living facility's procedures
23 during an emergency for evacuating and relocating facility
24 residents and staff and for sheltering facility residents and staff
25 at the facility; and

26 (2) improve the efficiency, knowledge, and response of
27 assisted living facility staff in implementing the emergency

1 management plan under Section 247.007.

2 (c) An assisted living facility shall ensure that an
3 emergency management drill causes as little disruption to residents
4 as possible.

5 SECTION 7. Section 247.022, Health and Safety Code, is
6 amended by adding Subsection (d) to read as follows:

7 (d) Each applicant for an assisted living facility license
8 or renewal of a license shall submit evidence of approval of the
9 facility's emergency management plan under Section 247.007, if
10 applicable, by the emergency management division in the governor's
11 office.

12 SECTION 8. A convalescent or nursing home, or related
13 institution licensed under Chapter 242, Health and Safety Code, a
14 continuing care facility granted a certificate of authority under
15 Chapter 246, Health and Safety Code, or an assisted living facility
16 licensed under Chapter 247, Health and Safety Code, subject to
17 Sections 242.018, 246.008, and 247.007, Health and Safety Code, as
18 added by this Act, shall develop an emergency management plan as
19 required by those sections as soon as practicable after the
20 effective date of this Act.

21 SECTION 9. The changes in law made by this Act apply to an
22 application for a certificate of authority, a license, or a renewal
23 of a license filed on or after the effective date of this Act. An
24 application filed before the effective date of this Act is governed
25 by the law in effect on the date of the filing of the application,
26 and the former law is continued in effect for that purpose.

27 SECTION 10. This Act takes effect September 1, 2009.