

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 Section 242.018 to read as follows:

Sec. 242.018. EMERGENCY MANAGEMENT PLAN. (a) An institution shall prepare and keep current an emergency management plan providing for disaster mitigation, preparedness, response, and recovery.

(b) The plan must provide for:

(1) evacuation of the institution; and

(2) sheltering at the institution by the residents for

1 the duration of the emergency.

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

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

8 (c-1) Each applicant for a license or a renewal of a license  
9 shall submit evidence of approval of the institution's emergency  
10 management plan under Section 242.018 by the emergency management  
11 division in the governor's office.

12 SECTION 4. Subchapter A, Chapter 246, Health and Safety  
13 Code, is amended by adding Section 246.008 to read as follows:

14 Sec. 246.008. EMERGENCY MANAGEMENT PLAN. (a) Each  
15 facility shall prepare and keep current an emergency management  
16 plan providing for disaster mitigation, preparedness, response,  
17 and recovery.

18 (b) The plan must provide for:

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

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

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

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

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

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

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

(4) the applicant has submitted evidence of approval of the facility's emergency management plan under Section 246.008 by the emergency management division in the governor's office.

SECTION 6. Subchapter A, Chapter 247, Health and Safety Code, is amended by adding Section 247.007 to read as follows:

Sec. 247.007. EMERGENCY MANAGEMENT PLAN. (a) Each assisted living facility licensed in this state shall prepare and keep current an emergency management plan providing for disaster mitigation, preparedness, response, and recovery.

(b) The plan must provide for:

(1) evacuation of the assisted living facility; and

(2) sheltering at the assisted living facility by the facility residents for the duration of the emergency.

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

SECTION 7. Section 247.022, Health and Safety Code, is

1 amended by adding Subsection (d) to read as follows:

2       (d) Each applicant for an assisted living facility license  
3 or renewal of a license shall submit evidence of approval of the  
4 facility's emergency management plan under Section 247.007 by the  
5 emergency management division in the governor's office.

6       SECTION 8. A convalescent or nursing home, or related  
7 institution licensed under Chapter 242, Health and Safety Code, a  
8 continuing care facility granted a certificate of authority under  
9 Chapter 246, Health and Safety Code, or an assisted living facility  
10 licensed under Chapter 247, Health and Safety Code, shall develop  
11 an emergency management plan as required by Sections 242.018,  
12 246.008, and 247.007, Health and Safety Code, as added by this Act,  
13 as soon as practicable after the effective date of this Act.

14       SECTION 9. The changes in law made by this Act apply to an  
15 application for a certificate of authority, a license, or a renewal  
16 of a license filed on or after the effective date of this Act. An  
17 application filed before the effective date of this Act is governed  
18 by the law in effect on the date of the filing of the application,  
19 and the former law is continued in effect for that purpose.

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