

1-1 By: Turner of Harris (Senate Sponsor - Jackson) H.B. No. 2248
1-2 (In the Senate - Received from the House May 13, 2009;
1-3 May 14, 2009, read first time and referred to Committee on
1-4 Transportation and Homeland Security; May 23, 2009, reported
1-5 favorably by the following vote: Yeas 5, Nays 2; May 23, 2009, sent
1-6 to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to an emergency management plan for certain health care
1-10 facilities.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter C, Chapter 418, Government Code, is
1-13 amended by adding Section 418.049 to read as follows:

1-14 Sec. 418.049. EMERGENCY MANAGEMENT PLAN FOR CERTAIN HEALTH
1-15 CARE FACILITIES. (a) The division shall review each emergency
1-16 management plan submitted under Sections 242.018, 246.008, and
1-17 247.007, Health and Safety Code, and suggest changes to a plan as
1-18 necessary to ensure safety of the residents of the facility or
1-19 institution.

1-20 (b) The division shall approve a plan as appropriate and
1-21 provide evidence of the division's approval to the facility or
1-22 institution.

1-23 SECTION 2. Subchapter A, Chapter 242, Health and Safety
1-24 Code, is amended by adding Sections 242.018 and 242.019 to read as
1-25 follows:

1-26 Sec. 242.018. EMERGENCY MANAGEMENT PLAN. (a) For purposes
1-27 of this section, "area prone to severe weather" means each county in
1-28 this state that is located wholly or partly within 100 miles of the
1-29 Gulf of Mexico.

1-30 (b) An institution located in an area prone to severe weather
1-31 shall prepare and keep current an emergency management plan
1-32 providing for disaster mitigation, preparedness, response, and
1-33 recovery.

1-34 (c) The plan must provide for:

1-35 (1) evacuation of the institution; and

1-36 (2) sheltering at the institution by the residents for
1-37 the duration of the emergency.

1-38 (d) Each institution shall submit the institution's
1-39 emergency management plan to the division of emergency management
1-40 in the governor's office and the city or county in which the
1-41 institution is located.

1-42 Sec. 242.019. EMERGENCY MANAGEMENT DRILL. (a) An
1-43 institution subject to Section 242.018 shall perform an emergency
1-44 management drill at a random time at least once every six months.

1-45 (b) An institution shall use the emergency management
1-46 drills to:

1-47 (1) test the institution's procedures during an
1-48 emergency for evacuating and relocating the institution's
1-49 residents and staff and for sheltering the residents and staff in
1-50 the institution; and

1-51 (2) improve the efficiency, knowledge, and response of
1-52 institution staff in implementing the emergency management plan
1-53 under Section 242.018.

1-54 (c) The institution shall ensure that an emergency
1-55 management drill causes as little disruption to residents as
1-56 possible.

1-57 SECTION 3. Section 242.032, Health and Safety Code, is
1-58 amended by adding Subsection (c-1) to read as follows:

1-59 (c-1) Each applicant for a license or a renewal of a license
1-60 shall submit evidence of approval of the institution's emergency
1-61 management plan under Section 242.018, if applicable, by the
1-62 emergency management division in the governor's office.

1-63 SECTION 4. Subchapter A, Chapter 246, Health and Safety
1-64 Code, is amended by adding Sections 246.008 and 246.009 to read as

follows:

Sec. 246.008. 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) Each facility 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 facility; and

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

(d) Each 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.

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

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

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

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

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

SECTION 5. Section 246.022(c), Health and Safety Code, is 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, if applicable, by the emergency management division in the governor's office.

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

Sec. 247.007. 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) Each assisted living facility licensed in this state that is 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 assisted living facility; and

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

(d) 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.

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

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

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

(2) improve the efficiency, knowledge, and response of assisted living facility staff in implementing the emergency management plan under Section 247.007.

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

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

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

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

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

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

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