

By: Coleman

H.B. No. 2971

Substitute the following for H.B. No. 2971:

By: Rose

C.S.H.B. No. 2971

A BILL TO BE ENTITLED

AN ACT

relating to licensing of assisted living facilities.

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

SECTION 1. Section 247.021, Health and Safety Code, is amended by amending Subsections (d), (g), and (h) and adding Subsections (d-1), (d-2), (d-3), and (d-4) to read as follows:

(d) The department by rule shall establish procedures to issue a six-month provisional license to existing facilities with residents. The department may issue a provisional license ~~only~~ if:

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

(2) the facility voluntarily discloses that the facility needs additional time to comply with life safety code and physical plant standards;

(3) the disclosure is made in writing by certified mail to the department;

(4) an investigation of the violation was not initiated and the violation was not independently detected by the department; and

(5) the disclosure is made promptly after knowledge of the information disclosed is obtained by the facility.

(d-1) A provisional license is effective on the date requested by the applicant.

1 (d-2) A provisional license expires the earlier of:

2 (1) the 180th day after the effective date of the
3 provisional license or the end of any extension period granted by
4 the department, in the department's sole discretion; or

5 (2) the date a license is issued to the provisional
6 license holder under Subsection (d-4).

7 (d-3) The department shall conduct a life safety code
8 inspection of the facility as soon as reasonably possible after the
9 department issues a provisional license.

10 (d-4) After conducting a life safety code inspection, the
11 department shall issue a license under Section 247.023 to the
12 provisional license holder if the facility passes the inspection
13 and the applicant meets all requirements for a license. A license
14 issued under this subsection has the same effective date as the
15 provisional license.

16 (g) The [~~Notwithstanding Subsection (f), the~~] department
17 shall, upon submission of a written request by the applicant, [may]
18 automatically issue a provisional license to a newly constructed
19 facility if:

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

22 (2) all local approvals have been obtained;

23 (3) a complete license application is submitted within
24 30 days of receipt of all local approvals; [~~and~~]

25 (4) the license fee has been paid;

26 (5) before beginning construction, the license
27 applicant submits working drawings and specifications to the

1 department for review; and

2 (6) the department determines that the license
3 applicant constructed another facility in this state that complies
4 with the department's life safety code standards.

5 (h) The [~~Notwithstanding Subsection (f), the~~] department
6 may automatically issue a provisional license in the case of a
7 corporate change of ownership of a facility.

8 SECTION 2. Subchapter B, Chapter 247, Health and Safety
9 Code, is amended by adding Section 247.0211 to read as follows:

10 Sec. 247.0211. EXPEDITED LIFE SAFETY CODE INSPECTION. (a)
11 The executive commissioner of the Health and Human Services
12 Commission shall adopt rules to implement an expedited inspection
13 process that allows an applicant for an assisted living facility
14 license or for a renewal of a license to obtain a life safety code
15 and physical plant inspection not later than the 15th day after the
16 date the request is made.

17 (b) The department may charge a fee to recover the cost of
18 the expedited inspection.

19 SECTION 3. Section 247.022, Health and Safety Code, is
20 amended by adding Subsection (b-1) to read as follows:

21 (b-1) If the department conducts at least three life safety
22 code inspections at the applicant's facility, the department may
23 collect a fee in addition to the fee under Subsection (b) for the
24 application for the license.

25 SECTION 4. Section 247.032(a), Health and Safety Code, is
26 amended to read as follows:

27 (a) In this section, "accreditation commission" means the

1 Commission on Accreditation of Rehabilitation Facilities, ~~[or]~~ the
2 Joint Commission on Accreditation of Healthcare Organizations, or
3 another organization approved by the executive commissioner of the
4 Health and Human Services Commission.

5 SECTION 5. Sections 247.021(e) and (f), Health and Safety
6 Code, are repealed.

7 SECTION 6. Not later than January 1, 2010, the executive
8 commissioner of the Health and Human Services Commission shall
9 adopt rules to implement the expedited inspection process as
10 required by Section 247.0211, Health and Safety Code, as added by
11 this Act.

12 SECTION 7. This Act takes effect September 1, 2009.