

By: West

S.B. No. 1124

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to authorization for the Department of Aging and  
3 Disability Services to conduct a desk review instead of an  
4 inspection when issuing a license after a change in ownership of  
5 certain facilities.

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

7 SECTION 1. Section 142.009, Health and Safety Code, is  
8 amended by amending Subsection (j) and adding Subsection (j-1) to  
9 read as follows:

10 (j) Except as provided by Subsections (j-1), (h), and (l),  
11 an on-site survey must be conducted within 18 months after a survey  
12 for an initial license. After that time, an on-site survey must be  
13 conducted at least every 36 months.

14 (j-1) The department, in accordance with department rules,  
15 may conduct a desk review instead of the initial survey required by  
16 Subsection (j) if the license application is submitted due to a  
17 change in ownership of an agency under this chapter. The executive  
18 commissioner of the Health and Human Services Commission by rule  
19 shall develop criteria for determining when the department may  
20 conduct a desk review instead of an on-site survey.

21 SECTION 2. Section 247.023, Health and Safety Code, is  
22 amended by adding Subsection (a-1) to read as follows:

23 (a-1) The department, in accordance with department rules,  
24 may conduct a desk review instead of the inspection and

1 investigation required by Subsection (a) if the license application  
2 is submitted due to a change in ownership of a facility under this  
3 chapter. The executive commissioner of the Health and Human  
4 Services Commission by rule shall develop criteria for determining  
5 when the department may conduct a desk review instead of an  
6 inspection and investigation.

7 SECTION 3. Section 252.033, Health and Safety Code, is  
8 amended by adding Subsection (a-1) to read as follows:

9 (a-1) The department, in accordance with department rules,  
10 may conduct a desk review instead of the on-site inspection and  
11 investigation under Subsection (a) if the license application is  
12 submitted due to a change in ownership of a facility under this  
13 chapter. The executive commissioner of the Health and Human  
14 Services Commission by rule shall develop criteria for determining  
15 when the department may conduct a desk review instead of an on-site  
16 inspection and investigation.

17 SECTION 4. Section 103.006, Human Resources Code, is  
18 amended by adding Subsection (a-1) to read as follows:

19 (a-1) The department, in accordance with department rules,  
20 may conduct a desk review instead of the on-site inspection under  
21 Subsection (a) if the license application is submitted due to a  
22 change in ownership of the facility under this chapter. The  
23 executive commissioner of the Health and Human Services Commission  
24 by rule shall develop criteria for determining when the department  
25 may conduct a desk review instead of an on-site inspection.

26 SECTION 5. (a) Not later than April 1, 2010, the executive  
27 commissioner of the Health and Human Services Commission shall

1 adopt the rules required under Subsection (j-1), Section 142.009,  
2 Subsection (a-1), Section 247.023, and Subsection (a-1), Section  
3 252.033, Health and Safety Code, and Subsection (a-1), Section  
4 103.006, Human Resources Code, as added by this Act.

5 (b) Notwithstanding Subsection (j-1), Section 142.009,  
6 Subsection (a-1), Section 247.023, and Subsection (a-1), Section  
7 252.033, Health and Safety Code, as added by this Act, and  
8 Subsection (a-1), Section 103.006, Human Resources Code, as added  
9 by this Act, the Department of Aging and Disability Services may not  
10 conduct a desk review instead of a survey, inspection, or  
11 investigation for a license application submitted due to a change  
12 in ownership of an agency or facility under those sections until May  
13 1, 2010.

14 SECTION 6. This Act takes effect September 1, 2009.