

1-1 By: West S.B. No. 1124
1-2 (In the Senate - Filed February 25, 2009; March 13, 2009,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; April 14, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 April 14, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1124 By: West

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to authorization for the Department of Aging and
1-11 Disability Services to conduct a desk review instead of an
1-12 inspection when issuing a license after a change in ownership of
1-13 certain facilities.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Section 142.009, Health and Safety Code, is
1-16 amended by amending Subsection (j) and adding Subsection (j-1) to
1-17 read as follows:

1-18 (j) Except as provided by Subsections (j-1), (h), and (l),
1-19 an on-site survey must be conducted within 18 months after a survey
1-20 for an initial license. After that time, an on-site survey must be
1-21 conducted at least every 36 months.

1-22 (j-1) The department, in accordance with department rules,
1-23 may conduct a desk review instead of the initial survey required by
1-24 Subsection (j) if the license application is submitted due to a
1-25 change in ownership of an agency under this chapter. The executive
1-26 commissioner of the Health and Human Services Commission by rule
1-27 shall develop criteria for determining when the department may
1-28 conduct a desk review instead of an on-site survey.

1-29 SECTION 2. Section 247.023, Health and Safety Code, is
1-30 amended by adding Subsection (a-1) to read as follows:

1-31 (a-1) The department, in accordance with department rules,
1-32 may conduct a desk review instead of the inspection and
1-33 investigation required by Subsection (a) if the license application
1-34 is submitted due to a change in ownership of a facility under this
1-35 chapter. The executive commissioner of the Health and Human
1-36 Services Commission by rule shall develop criteria for determining
1-37 when the department may conduct a desk review instead of an
1-38 inspection and investigation.

1-39 SECTION 3. Section 252.033, Health and Safety Code, is
1-40 amended by adding Subsection (a-1) to read as follows:

1-41 (a-1) The department, in accordance with department rules,
1-42 may conduct a desk review instead of the on-site inspection and
1-43 investigation under Subsection (a) if the license application is
1-44 submitted due to a change in ownership of a facility under this
1-45 chapter. The executive commissioner of the Health and Human
1-46 Services Commission by rule shall develop criteria for determining
1-47 when the department may conduct a desk review instead of an on-site
1-48 inspection and investigation.

1-49 SECTION 4. Section 103.006, Human Resources Code, is
1-50 amended by adding Subsection (a-1) to read as follows:

1-51 (a-1) The department, in accordance with department rules,
1-52 may conduct a desk review instead of the on-site inspection under
1-53 Subsection (a) if the license application is submitted due to a
1-54 change in ownership of the facility under this chapter. The
1-55 executive commissioner of the Health and Human Services Commission
1-56 by rule shall develop criteria for determining when the department
1-57 may conduct a desk review instead of an on-site inspection.

1-58 SECTION 5. (a) Not later than April 1, 2010, the executive
1-59 commissioner of the Health and Human Services Commission shall
1-60 adopt the rules required under Subsection (j-1), Section 142.009,
1-61 Subsection (a-1), Section 247.023, and Subsection (a-1), Section
1-62 252.033, Health and Safety Code, and Subsection (a-1), Section
1-63 103.006, Human Resources Code, as added by this Act.

2-1 (b) Notwithstanding Subsection (j-1), Section 142.009,
2-2 Subsection (a-1), Section 247.023, and Subsection (a-1), Section
2-3 252.033, Health and Safety Code, as added by this Act, and
2-4 Subsection (a-1), Section 103.006, Human Resources Code, as added
2-5 by this Act, the Department of Aging and Disability Services may not
2-6 conduct a desk review instead of a survey, inspection, or
2-7 investigation for a license application submitted due to a change
2-8 in ownership of an agency or facility under those sections until May
2-9 1, 2010.

2-10 SECTION 6. This Act takes effect September 1, 2009.

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