

## **BILL ANALYSIS**

Senate Research Center  
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H.B. 1769  
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Health & Human Services  
5/4/2015  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, an assisted living facility requesting a license to operate must submit building plans for approval, pass all local fire, health, and safety inspections, pass an extensive life and safety inspection, staff and train employees, admit more than one but not more than three residents, write to the Department of Aging and Disability Services (DADS) requesting a health inspection, and six to nine weeks later after passing the health inspection, receive its license and admit the remaining residents. The requirement that a facility hire and train a full staff, regardless of facility size, six to nine weeks before being inspected places an undue burden on the facility.

H.B. 1769 shortens the licensure process for applicants who have operated at least six years in Texas without a sanction or serious violation. These applicants in good standing shall complete all of the existing applicant processes up to and including the life and safety inspection. After passing the life and safety inspection, the applicant may submit information to DADS regarding hiring, background checks, policies, and procedure in order to be granted authorization to begin admitting residents. Any facilities licensed under this chapter shall have an in-person inspection within 90 days of admitting residents.

H.B. 1769 amends current law relating to requirements for assisted living facility license applicants.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 247.022, Health and Safety Code, by adding Subsections (d), (e), and (f), as follows:

(d) Authorizes an assisted living facility license applicant in good standing to request an initial license that does not require an on-site health inspection. Prohibits the Department of Aging and Disability Services (DADS) from requiring the applicant to admit a resident to the facility before DADS issues the license. Requires DADS to require the license applicant to submit for approval policies and procedures, verification of employee background checks, and employee credentials.

(e) Requires DADS to conduct a survey of a facility issued an initial license under Subsection (d) not later than the 90th day after the date on which DADS issues the license to the facility. Requires the facility, until DADS conducts the survey, to disclose to all residents and prospective residents that DADS has not yet conducted the survey required by this subsection.

(f) Provides that, for purposes of this section, a license applicant is in "good standing" if:

(1) the license applicant, or the controlling person of the license applicant if the license applicant is a newly formed business entity, has operated or been the

controlling person of an assisted living facility in this state for six consecutive years; and

(2) each assisted living facility operated by the license applicant, or operated or controlled by a controlling person of the license applicant if the license applicant is a newly formed business entity:

(A) has not had a violation that resulted in actual harm to a resident or that posed an immediate threat of harm causing, or likely to cause, serious injury, impairment, or death of a resident; and

(B) in the six years preceding the date on which the license applicant submits the application, has not had a sanction imposed by DADS against the facility, including the imposition of a civil or administrative penalty or an injunction, the denial, suspension, or revocation of a license, or an emergency closure.

SECTION 2. Requires the executive commissioner of the Health and Human Services Commission to adopt the rules necessary to implement the change in law made by this Act as soon as practicable after the effective date of this Act.

SECTION 3. Effective date: September 1, 2015.