

By: Zerwas, Faircloth, et al.

H.B. No. 1769

A BILL TO BE ENTITLED

AN ACT

1
2 relating to requirements for assisted living facility license
3 applicants.

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

5 SECTION 1. Section 247.022, Health and Safety Code, is
6 amended by adding Subsections (d), (e), and (f) to read as follows:

7 (d) An assisted living facility license applicant in good
8 standing may request an initial license that does not require an
9 on-site health inspection. The department may not require the
10 applicant to admit a resident to the facility before the department
11 issues the license. The department shall require the license
12 applicant to submit for approval policies and procedures,
13 verification of employee background checks, and employee
14 credentials.

15 (e) The department shall conduct a survey of a facility
16 issued an initial license under Subsection (d) not later than the
17 90th day after the date on which the department issues the license
18 to the facility. Until the department conducts the survey, the
19 facility shall disclose to all residents and prospective residents
20 that the department has not yet conducted the survey required by
21 this subsection.

22 (f) For purposes of this section, a license applicant is in
23 "good standing" if:

24 (1) the license applicant, or the controlling person

1 of the license applicant if the license applicant is a newly formed
2 business entity, has operated or been the controlling person of an
3 assisted living facility in this state for six consecutive years;
4 and

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

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

13 (B) in the six years preceding the date on which
14 the license applicant submits the application, has not had a
15 sanction imposed by the department against the facility, including:

16 (i) the imposition of a civil or
17 administrative penalty or an injunction;

18 (ii) the denial, suspension, or revocation
19 of a license; or

20 (iii) an emergency closure.

21 SECTION 2. As soon as practicable after the effective date
22 of this Act, the executive commissioner of the Health and Human
23 Services Commission shall adopt the rules necessary to implement
24 the change in law made by this Act.

25 SECTION 3. This Act takes effect September 1, 2015.