

By: Davis of Dallas

H.B. No. 3469

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and registration of certain assisted living facilities and group home facilities; authorizing the imposition of a civil penalty.

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

SECTION 1. Section 247.002, Health and Safety Code, is amended by amending Subdivision (1) and adding Subdivision (4-b) to read as follows:

(1) "Assisted living facility" means an establishment that:

(A) furnishes, in one or more facilities, food and shelter to:

(i) four or more persons who are unrelated to the proprietor of the establishment; or

(ii) at least one and fewer than four persons who are unrelated to the proprietor of the establishment and at least one of whom has Alzheimer's disease or dementia;

(B) provides:

(i) personal care services; or

(ii) administration of medication by a person licensed or otherwise authorized in this state to administer the medication;

(C) may provide assistance with or supervision of the administration of medication; and

(D) may provide skilled nursing services for the following limited purposes:

(i) coordination of resident care with outside home and community support services agencies and other health care professionals;

(ii) provision or delegation of personal care services and medication administration as described by this subdivision;

(iii) assessment of residents to determine the care required; and

(iv) for periods of time as established by commission ~~[department]~~ rule, delivery of temporary skilled nursing treatment for a minor illness, injury, or emergency.

(4-b) "Group home facility" means an establishment that otherwise meets the definition of an assisted living facility, except that the establishment furnishes food and shelter to three or fewer persons who are unrelated to the proprietor of the establishment.

SECTION 2. Subchapter B, Chapter 247, Health and Safety Code, is amended by adding Section 247.02101 to read as follows:

Sec. 247.02101. GROUP HOME FACILITY; REGISTRATION REQUIRED. (a) A group home facility shall register with the commission in the form and manner provided by commission rule.

(b) A group home facility that fails to register with the commission under this section is subject to a civil penalty under Section 247.045.

SECTION 3. Section 247.029, Health and Safety Code, is

amended by amending Subsection (d) and adding Subsections (e) and (f) to read as follows:

(d) The executive commissioner by rule shall adopt definitions [~~a definition~~] of "Alzheimer's disease and related disorders[~~7~~]" and "dementia," and may adopt by reference a definition published in a generally accepted clinical resource for medical professionals. The executive commissioner shall modify the definition as necessary to conform to changes in medical practice.

(e) The executive commissioner shall adopt rules providing for the licensing and operation of an assisted living facility described by Section 247.002(1)(A)(ii). The rules must require a facility to:

(1) employ at least one caregiver who:

(A) has training or experience in providing care to persons with Alzheimer's disease or dementia; and

(B) is able to provide adequate treatment and care for each resident with Alzheimer's disease or dementia at the facility;

(2) implement security measures to ensure that residents with Alzheimer's disease or dementia do not leave the institution unaccompanied or unassisted;

(3) ensure that a resident leaves the facility only when accompanied by:

(A) a person authorized to accompany the resident by the individual responsible for the resident; or

(B) a medical transportation provider who is transporting a resident for scheduled health care services;

1           (4) maintain an operational nonwireless telephone  
2 line at the facility with a telephone number listed in the name of  
3 the facility or of the controlling person;

4           (5) provide:

5                   (A) bedrooms with sufficient square footage and  
6 floor space;

7                   (B) a social-diversional area; and

8                   (C) appropriate activities for residents;

9           (6) obtain permission from the individual responsible  
10 for a resident before handling the resident's personal finances or  
11 accepting from a resident money or gifts of financial value;

12           (7) maintain regular contact with the individual  
13 responsible for the resident; and

14           (8) refrain from contacting a former resident, an  
15 individual responsible for a former resident, or an assisted living  
16 facility where a former resident currently resides.

17           (f) An assisted living facility described by Section  
18 247.002(1)(A)(ii) may not have residing at the facility  
19 simultaneously a resident with a severe mental illness and a  
20 resident with Alzheimer's disease or dementia.

21           SECTION 4. Section 247.050, Health and Safety Code, is  
22 repealed.

23           SECTION 5. The executive commissioner of the Health and  
24 Human Services Commission shall adopt rules:

25                   (1) necessary to implement Section 247.02101, Health  
26 and Safety Code, as added by this Act, not later than January 1,  
27 2018; and

1                   (2) required by Section 247.029, Health and Safety  
2 Code, as amended by this Act, not later than June 1, 2018.

3           SECTION 6. A person is not required to comply with:

4                   (1) Section 247.02101, Health and Safety Code, as  
5 added by this Act, until January 1, 2018; and

6                   (2) Section 247.029, Health and Safety Code, as  
7 amended by this Act, until June 1, 2018.

8           SECTION 7. This Act takes effect September 1, 2017.