

By: Klick, et al.

H.B. No. 4095

Substitute the following for H.B. No. 4095:

By: Minjarez

C.S.H.B. No. 4095

A BILL TO BE ENTITLED

AN ACT

relating to safety requirements of assisted living facilities.

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

SECTION 1. Subchapter B, Chapter 247, Health and Safety Code, is amended by adding Sections 247.0263 and 247.0264 to read as follows:

Sec. 247.0263. LIFE SAFETY CODE TECHNICAL MEMORANDUM. (a)

At least twice each year, the commission shall issue a technical memorandum providing guidance on the interpretation of minimum life safety code standards prescribed under this chapter and by commission rule. Any new requirement that relates to an existing standard must first appear in a technical memorandum.

(b) The commission shall solicit comments from interested parties and experts to assist in determining which standards need to be addressed in a technical memorandum issued under this section.

(c) The commission shall post the technical memorandum on the commission's Internet website.

(d) A technical memorandum issued under this section is binding and must be followed by a person conducting a life safety code survey under this chapter.

(e) This section does not affect the commission's rulemaking process.

Sec. 247.0264. ACCESSIBILITY STANDARDS. (a) The Texas

1 Department of Licensing and Regulation governs the interpretation  
2 and enforcement of accessibility standards in assisted living  
3 facilities as provided by Chapter 469, Government Code.

4 (b) An assisted living facility that during initial  
5 licensing passed an on-site inspection by the Texas Department of  
6 Licensing and Regulation relating to the facility's compliance with  
7 the accessibility standards may not be cited by the commission for a  
8 violation relating to the accessibility standards. If the  
9 commission issues a citation relating to compliance with  
10 accessibility standards to a facility that has not been inspected  
11 by the Texas Department of Licensing and Regulation for compliance  
12 with the accessibility standards, the commission shall rescind the  
13 citation on the facility's passage of the on-site inspection by the  
14 Texas Department of Licensing and Regulation.

15 SECTION 2. Subchapter B, Chapter 247, Health and Safety  
16 Code, is amended by adding Section 247.0273 to read as follows:

17 Sec. 247.0273. LIFE SAFETY CODE. (a) The executive  
18 commissioner by rule shall specify an edition of the Life Safety  
19 Code of the National Fire Protection Association to be used in  
20 establishing the life safety requirements for an assisted living  
21 facility licensed under this chapter.

22 (b) The rules adopted under Subsection (a) must specify an  
23 edition of the Life Safety Code of the National Fire Protection  
24 Association issued on or after August 1, 2011.

25 (c) This section expires September 1, 2021.

26 SECTION 3. Subchapter D, Chapter 247, Health and Safety  
27 Code, is amended by adding Section 247.071 to read as follows:

1       Sec. 247.071. LOCAL APPROVAL OF ASSISTED LIVING FACILITY.

2       (a) In this section, "governmental unit" means a municipality,  
3       county, or other political subdivision of the state that has the  
4       authority to adopt a building code or fire code.

5       (b) A governmental unit that adopts a building code or fire  
6       code governs the interpretation and enforcement of that building  
7       code or fire code.

8       (c) The commission may not issue a citation for a violation  
9       of a building code or fire code adopted by a governmental unit to an  
10       assisted living facility that presents evidence of the governmental  
11       unit's determination that the assisted living facility is compliant  
12       with the code. If the commission cites an assisted living facility  
13       for a building code or fire code violation and the assisted living  
14       facility subsequently provides the evidence described by this  
15       subsection, the commission shall rescind the citation.

16       (d) Subsection (c) does not restrict the authority of the  
17       commission to issue a citation to an assisted living facility for a  
18       violation of any National Fire Protection Association codes or  
19       standards adopted under this chapter.

20       SECTION 4. As soon as practicable after the effective date  
21 of this Act, the executive commissioner of the Health and Human  
22 Services Commission shall adopt the rules necessary to implement  
23 the changes in law made by this Act.

24       SECTION 5. This Act takes effect September 1, 2017.