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By:  Meza H.B. No. 2513

A BILL TO BE ENTITLED

AN ACT

relating to procedures for notice and the adoption of state agency emergency rules that restrict access to residents of long-term care facilities.

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

SECTION 1.  Section 2001.026, Government Code, is amended to read as follows:

Sec. 2001.026.  NOTICE TO PERSONS REQUESTING ADVANCE NOTICE OF PROPOSED RULES. (a) A state agency shall mail notice of a proposed rule to each person who has made a timely written request of the agency for advance notice of its rulemaking proceedings. Failure to mail the notice does not invalidate an action taken or rule adopted.

(b)  A state agency shall, using the system adopted by the agency for electronic delivery of information, deliver advance notice of an emergency rule described by Section 2001.034(e) to the e-mail address of each person who requests electronic notice of those rules if the person provides a valid e-mail address with the request.

SECTION 2.  Section 2001.034, Government Code, is amended by adding Subsections (e) and (f) to read as follows:

(e)  Notwithstanding any other provision of this section, a state agency with regulatory authority over long-term care facilities may not adopt an emergency rule that restricts access to a resident of a long-term care facility unless the agency provides notice of the agency's intent to adopt the rule, allows 48 hours after publication of the notice for members of the public to comment in writing on the rule, and spends at least 24 hours reviewing the comments received on the rule. The rule may not take effect until after the periods for public comment and agency review required by this subsection have expired. For purposes of this subsection, "long-term care facility" means:

(1)  a facility licensed or regulated under Chapter 242, 247, or 252, Health and Safety Code; or

(2)  a state supported living center as defined by Section 531.002, Health and Safety Code.

(f)  The notice required under Subsection (e) of this section must:

(1)  notwithstanding Section 2001.024, include:

(A)  the text of the rule;

(B)  a detailed explanation of the effect of the rule;

(C)  the following words, written in all capital letters in an easily readable font and type size: "YOU MAY SUBMIT COMMENTS ON THIS PROPOSED RULE. COMMENTS SHOULD BE SUBMITTED ELECTRONICALLY TO (insert a dedicated e-mail address used by the state agency for receipt of public comments) NOT LATER THAN (insert date and time at which period for public comments ends)."; and

(D)  a toll-free telephone number a person may use to receive information on the rule that includes relay services for persons with speech or hearing disabilities; and

(2)  notwithstanding any other provision of this subchapter, be published by the state agency adopting the rule using the following methods:

(A)  by e-mail to a person who has requested advance notice of the agency's proposed rules under Section 2001.026 and provided the agency an e-mail address under that section;

(B)  if practicable, by publication in the Texas Register in the manner prescribed by Chapter 2002;

(C)  by posting a copy of the notice on:

(i)  the agency's Internet website; and

(ii)  any platform for electronic communication on which the agency regularly posts public announcements and information; and

(D)  by sending the notice to designated media outlets in this state so that participating radio stations, television stations, and other media outlets may provide notice at reasonable intervals to inform the public of the contents of the notice.

SECTION 3.  The changes in law made by this Act apply only to an emergency rule that is adopted by a state agency on or after the effective date of this Act.

SECTION 4.  This Act takes effect September 1, 2021.