87R7983 MCF-D

By:  Powell S.B. No. 1087

A BILL TO BE ENTITLED

AN ACT

relating to certification and classification requirements for certain facilities that provide care for or advertise as providing care for persons with Alzheimer's disease and related disorders.

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

SECTION 1.  Section 242.040(b), Health and Safety Code, is amended to read as follows:

(b)  An institution that installs in its facility a unit locking device as defined by commission rule to restrict a resident's ability to exit a unit of the facility or the facility may not provide care and treatment of persons with Alzheimer's disease and related disorders unless the institution is certified under this section. An institution that has not installed a unit locking device in the facility is not required to be certified under this section in order to provide care and treatment of persons with Alzheimer's disease and related disorders.

SECTION 2.  Section 247.029(b), Health and Safety Code, is amended to read as follows:

(b)  The executive commissioner shall adopt minimum standards for an assisted living facility classified under this section. The minimum standards must require the facility to maintain an adequate ratio of direct care staff to residents based on:

(1)  recommendations published in a generally accepted clinical resource for medical professionals; and

(2)  consideration of the increased need for supervision of residents with Alzheimer's disease or related disorders.

SECTION 3.  Notwithstanding Section 242.040(b), Health and Safety Code, as amended by this Act, a nursing facility is not required to comply with Section 242.040(b) or rules adopted under that subsection until January 1, 2022.

SECTION 4.  As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt the minimum standards necessary to implement Section 247.029(b), Health and Safety Code, as amended by this Act.

SECTION 5.  This Act takes effect September 1, 2021.