

By: Meza

H.B. No. 2513

A BILL TO BE ENTITLED

AN ACT

1
2 relating to procedures for notice and the adoption of state agency
3 emergency rules that restrict access to residents of long-term care
4 facilities.

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

6 SECTION 1. Section [2001.026](#), Government Code, is amended to
7 read as follows:

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

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

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

22 (e) Notwithstanding any other provision of this section, a
23 state agency with regulatory authority over long-term care
24 facilities may not adopt an emergency rule that restricts access to

1 a resident of a long-term care facility unless the agency provides
2 notice of the agency's intent to adopt the rule, allows 48 hours
3 after publication of the notice for members of the public to comment
4 in writing on the rule, and spends at least 24 hours reviewing the
5 comments received on the rule. The rule may not take effect until
6 after the periods for public comment and agency review required by
7 this subsection have expired. For purposes of this subsection,
8 "long-term care facility" means:

9 (1) a facility licensed or regulated under Chapter
10 242, 247, or 252, Health and Safety Code; or

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

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

15 (1) notwithstanding Section 2001.024, include:

16 (A) the text of the rule;

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

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

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

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

4 (A) by e-mail to a person who has requested
5 advance notice of the agency's proposed rules under Section
6 2001.026 and provided the agency an e-mail address under that
7 section;

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

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

11 (i) the agency's Internet website; and

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

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

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

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