

By: Davis

H.B. No. 3268

A BILL TO BE ENTITLED

1 AN ACT

2 relating to registration of certain establishments providing
3 assisted living services.

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

5 SECTION 1. The heading to Subtitle B, Title 4, Health and
6 Safety Code, is amended to read as follows:

7 SUBTITLE B. LICENSING AND REGULATION OF HEALTH FACILITIES

8 SECTION 2. The heading to Chapter 247, Health and Safety
9 Code, is amended to read as follows:

10 CHAPTER 247. ASSISTED LIVING FACILITIES AND SIMILAR ASSISTED
11 LIVING SERVICE ESTABLISHMENTS

12 SECTION 3. Subchapter D, Chapter 247, Health and Safety
13 Code, is amended by adding Section 247.072 to read as follows:

14 Sec. 247.072. REGISTRATION OF ASSISTED LIVING SERVICE
15 ESTABLISHMENTS. (a) In this section, "assisted living service
16 establishment" means an establishment, other than an assisted
17 living facility licensed under Section 247.021, that:

18 (1) furnishes, in one or more facilities, food and
19 shelter to one or more persons who are unrelated to the proprietor
20 of the establishment;

21 (2) provides:

22 (A) personal care services; or

23 (B) administration of medication by a person
24 licensed or otherwise authorized in this state to administer the

1 medication;

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

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

6 (A) coordination of resident care with outside
7 home and community support services agencies and other health care
8 professionals;

9 (B) provision or delegation of personal care
10 services and medication administration as described by Subdivision
11 (2);

12 (C) assessment of residents to determine the care
13 required; and

14 (D) for periods authorized by commission rule,
15 delivery of temporary skilled nursing treatment for a minor
16 illness, injury, or emergency.

17 (b) A person may not establish or operate an assisted living
18 service establishment unless the person registers the
19 establishment with the commission and complies with commission
20 rules related to the establishment.

21 (c) The executive commissioner shall adopt rules necessary
22 to protect the public health and safety and to implement this
23 section.

24 (d) A person who violates this section and rules adopted
25 under this section is subject to the enforcement provisions of
26 Subchapter C.

27 SECTION 4. Not later than December 1, 2021, the executive

1 commissioner of the Health and Human Services Commission shall
2 adopt any rules necessary to implement Section 247.072, Health and
3 Safety Code, as added by this Act.

4 SECTION 5. Notwithstanding Section 247.072, Health and
5 Safety Code, as added by this Act, a person is not required to
6 register an establishment to which that section applies until
7 January 1, 2022.

8 SECTION 6. This Act takes effect September 1, 2021.