

By: Oliverson

H.B. No. 3965

A BILL TO BE ENTITLED

1 AN ACT

2 relating to requiring an emergency operation plan for continued  
3 treatment of patients in an end stage renal disease facility in the  
4 event of a disaster and the prioritization of power restoration for  
5 those facilities during certain disasters.

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

7 SECTION 1. Section 251.014, Health and Safety Code, is  
8 amended by amending Subsection (a) and adding Subsection (c) to  
9 read as follows:

10 (a) The rules adopted under Section 251.003 must contain  
11 minimum standards to protect the health and safety of a patient of  
12 an end stage renal disease facility, including standards for:

13 (1) the qualifications and supervision of the  
14 professional staff, including physicians, and other personnel;

15 (2) the equipment used by the facility is compatible  
16 with the health and safety of the patients;

17 (3) the sanitary and hygienic conditions in the  
18 facility;

19 (4) quality assurance for patient care;

20 (5) the provision and coordination of treatment and  
21 services by the facility;

22 (6) clinical records maintained by the facility;

23 (7) design and space requirements for the facility for  
24 safe access by patients and personnel and for ensuring patient

1 privacy;

2 (8) indicators of the quality of care provided by the  
3 facility; ~~and~~

4 (9) water treatment and reuse by the facility; and

5 (10) the continued treatment of patients during a  
6 state of disaster declared under Section 418.014, Government Code,  
7 or a declaration of local disaster declared under Section 418.108,  
8 Government Code, including the development and adoption of a  
9 comprehensive emergency operation plan.

10 (c) The emergency operation plan described by Subsection  
11 (a)(10) must:

12 (1) include a plan to communicate to a patient any  
13 changes in the patient's dialysis treatment schedule;

14 (2) include a plan to address patient transportation  
15 to and from the facility in the event of a disaster that obstructs  
16 or impairs roadways; and

17 (3) require a facility to execute a contract with one  
18 or more end stage renal disease facilities located within a  
19 100-mile radius stipulating that each facility will provide  
20 dialysis treatment to patients of the other facility if necessary  
21 in the event of a disaster.

22 SECTION 2. Sections 38.072(a) and (b), Utilities Code, are  
23 amended to read as follows:

24 (a) In this section:

25 (1) "Assisted living facility" has the meaning  
26 assigned by Section 247.002, Health and Safety Code.

27 (2) "End stage renal disease facility" has the meaning

1 assigned by Section 251.001, Health and Safety Code.

2           (3) "Extended power outage" has the meaning assigned  
3 by Section 13.1395, Water Code.

4           (4) [~~(3)~~] "Hospice services" has the meaning assigned  
5 by Section 142.001, Health and Safety Code.

6           (5) [~~(4)~~] "Nursing facility" has the meaning assigned  
7 by Section 242.301, Health and Safety Code.

8           (b) The commission by rule shall require an electric utility  
9 to give to the following the same priority that it gives to a  
10 hospital in the utility's emergency operations plan for restoring  
11 power after an extended power outage:

- 12           (1) a nursing facility;
- 13           (2) an assisted living facility; [~~and~~]
- 14           (3) an end stage renal disease facility; and
- 15           (4) a facility that provides hospice services.

16           SECTION 3. As soon as practicable after the effective date  
17 of this Act, each end stage renal disease facility shall develop and  
18 implement an emergency operation plan under Section 251.014, Health  
19 and Safety Code, as amended by this Act.

20           SECTION 4. As soon as practicable after the effective date  
21 of this Act, the Public Utility Commission of Texas shall adopt the  
22 rules required by Section 38.072, Utilities Code, as amended by  
23 this Act.

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