

By: Miles

S.B. No. 502

A BILL TO BE ENTITLED

AN ACT

relating to registration of certain establishments providing assisted living services.

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

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

SUBTITLE B. LICENSING AND REGULATION OF HEALTH FACILITIES

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

CHAPTER 247. ASSISTED LIVING FACILITIES AND SIMILAR ASSISTED

LIVING SERVICE ESTABLISHMENTS

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

Sec. 247.072. REGISTRATION OF ASSISTED LIVING SERVICE ESTABLISHMENTS. (a) In this section, "assisted living service establishment" means an establishment that:

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

(2) provides:

(A) personal care services; or

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

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

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

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

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

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

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

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

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

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

26           SECTION 4. Not later than December 1, 2021, the executive  
27 commissioner of the Health and Human Services Commission shall

1 adopt any rules necessary to implement Section 247.072, Health and  
2 Safety Code, as added by this Act.

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

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