

By: Powell

S.B. No. 1087

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certification and classification requirements for
3 certain facilities that provide care for or advertise as providing
4 care for persons with Alzheimer's disease and related disorders.

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

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

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

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

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

24 (1) recommendations published in a generally accepted

1 clinical resource for medical professionals; and
2 (2) consideration of the increased need for
3 supervision of residents with Alzheimer's disease or related
4 disorders.

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

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

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