

SENATE AMENDMENTS

2nd Printing

By: Campos

H.B. No. 1423

A BILL TO BE ENTITLED

AN ACT

relating to the regulation and inspection procedures of certain long-term care facilities, including a survey of certain facilities' emergency power sources.

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

SECTION 1. Section 242.043(a), Health and Safety Code, is amended to read as follows:

(a) The commission [~~department~~] or the commission's [~~department's~~] representative may make any inspection, including an unannounced inspection or follow-up inspection, survey, or investigation that it considers necessary and may enter the premises of an institution at reasonable times to make an inspection, survey, or investigation in accordance with department rules.

SECTION 2. Sections 242.044(a) and (b), Health and Safety Code, are amended to read as follows:

(a) The commission [~~Each licensing period, the department~~] shall annually conduct at least one [~~two~~] unannounced inspection [~~inspections~~] of each institution.

(b) For at least one [~~two~~] unannounced annual inspection [~~inspections each licensing period~~] of an institution, the commission [~~department~~] shall invite at least one person as a citizen advocate from:

(1) the AARP;

1 (2) the Texas Senior Citizen Association;

2 (3) the department's Certified Long-term Care
3 Ombudsman; or

4 (4) another statewide organization for the elderly.

5 SECTION 3. Subchapter B, Chapter 242, Health and Safety
6 Code, is amended by adding Sections 242.0441 and 242.0442 to read as
7 follows:

8 Sec. 242.0441. FOLLOW-UP INSPECTIONS. (a) The commission
9 or the commission's representative may conduct a follow-up
10 inspection of an institution after conducting an inspection,
11 survey, or investigation of the institution under Section 242.043
12 or 242.044 to:

13 (1) evaluate and monitor the findings of the initial
14 inspection, survey, or investigation; and

15 (2) ensure the commission is citing and punishing
16 institutional deficiencies consistently across the state.

17 (b) If an institution corrects a deficiency cited during a
18 follow-up inspection within the time specified by executive
19 commissioner rule, the commission may not impose additional
20 punitive actions for the deficiency.

21 Sec. 242.0442. COMMISSION EVALUATION OF REGULATORY
22 CAPACITY. (a) Not later than January 31 of each year, the
23 commission shall evaluate the commission's capacity to regulate
24 institutions under this chapter and formulate a strategy to
25 effectively perform licensing duties, enforcement activities, and
26 complaint investigations for that year.

27 (b) The commission shall continue to regularly evaluate the

1 commission's capacity to regulate institutions under this chapter
2 and implement corrective measures as necessary.

3 (c) The commission shall monitor the commission's staffing
4 of employees who perform inspections, surveys, or investigations of
5 institutions under this chapter and fill any vacant positions as
6 soon as possible.

7 (d) Not later than January 1 of each year, the commission
8 shall evaluate the commission's compliance during the previous year
9 with Sections 242.043, 242.044, and 242.0441.

10 SECTION 4. (a) The Health and Human Services Commission
11 shall conduct a survey on the number of facilities licensed under
12 Chapter 242, Health and Safety Code, and the number of assisted
13 living facilities licensed under Chapter 247, Health and Safety
14 Code, that are equipped with an operational emergency generator or
15 comparable emergency power source that is capable of providing
16 continuous electric utility services to the facility during severe
17 weather events or other emergencies.

18 (b) Not later than September 1, 2022, the Health and Human
19 Services Commission shall publish the results of the survey
20 conducted under Subsection (a) of this section on the commission's
21 Internet website.

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

ADOPTED

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MAY 24 2021

FLOOR AMENDMENT NO. 1

Letsy Saw
Secretary of the Senate BY:

Chris Ferry

1 Amend H.B. No. 1423 (senate committee printing) in SECTION 4
2 of the bill, in the nonamendatory language, by striking added
3 Subsection (b) (page 2, lines 25 through 28) and substituting the
4 following:

5 (b) The Health and Human Services Commission shall break down
6 the results of the survey conducted under Subsection (a) based on:

- 7 (1) the type of facility;
8 (2) the size of the facility; and
9 (3) the geographic location of the facility.

10 (c) Not later than September 1, 2022, the Health and Human
11 Services Commission shall submit the results of the survey
12 conducted under Subsection (a) of this section to the members of
13 the House Human Services Committee and the Senate Health and Human
14 Services Committee, or the successor of those committees.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 24, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1423 by Campos (Relating to the regulation and inspection procedures of certain long-term care facilities, including a survey of certain facilities' emergency power sources.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend Health and Safety Code Chapter 242 to require the Health and Human Services Commission (HHSC), or a representative of HHSC, to conduct one unannounced inspection annually. The bill would also allow HHSC, or a representative of HHSC, to conduct a follow-up inspection after conducting the unannounced annual inspection.

Not later than January 31st of each year, HHSC would be required to evaluate their capacity to regulate institutions under Chapter 242. Not later than January 1st of each year, HHSC would be required to evaluate their compliance with unannounced annual inspections under Chapter 242.

The bill would also require HHSC to conduct a survey on the number of facilities licensed under Health and Safety Code Chapters 242 and 247 that are equipped with an operational emergency generator or comparable emergency power source that is capable of providing continuous electric utility services to the facility during severe weather events or other emergencies. Not later than September 1, 2022, HHSC would be required to submit the results of the survey to the members of the House Human Services Committee and the Senate Health and Human Services Committee, or the successor of those committees.

HHSC indicates any cost to implement provisions of the bill would be minimal and could be absorbed within available resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 529 Hlth & Human Svcs Comm

LBB Staff: JMc, AKI, JLI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 20, 2021

TO: Honorable Lois W. Kolkhorst, Chair, Senate Committee on Health & Human Services

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1423 by Campos (Relating to the regulation and inspection procedures of certain long-term care facilities, including a survey of certain facilities' emergency power sources.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend Health and Safety Code Chapter 242 to require the Health and Human Services Commission (HHSC), or a representative of HHSC, to conduct one unannounced inspection annually. The bill would also allow HHSC, or a representative of HHSC, to conduct a follow-up inspection after conducting the unannounced annual inspection.

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HHSC indicates any cost to implement provisions of the bill would be minimal and could be absorbed within available resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 529 Hlth & Human Svcs Comm

LBB Staff: JMc, AKI, JLI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 4, 2021

TO: Honorable James B. Frank, Chair, House Committee on Human Services

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1423 by Campos (Relating to the regulation and inspection procedures of certain long-term care facilities.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend Health and Safety Code Chapter 242 to require the Health and Human Services Commission (HHSC), or a representative of HHSC, to conduct one unannounced annual inspection annually. The bill would also allow HHSC, or a representative of HHSC, to conduct a follow-up inspection after conducting the unannounced annual inspection.

Not later than January 31st of each year, HHSC would be required to evaluate their capacity to regulate institutions under Chapter 242. Not later than January 1st of each year, HHSC would be required to evaluate their compliance with annual unannounced inspections under Chapter 242.

HHSC indicates any cost to implement provisions of the bill would be minimal and could be absorbed within available resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 529 Hlth & Human Svcs Comm

LBB Staff: JMc, AKI, JLI