

House Bill 1423
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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;
 - (2) the Texas Senior Citizen Association;
 - (3) the department's Certified Long-term Care Ombudsman;
- or
- (4) another statewide organization for the elderly.

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

Sec. 242.0441. FOLLOW-UP INSPECTIONS. (a) The commission or the commission's representative may conduct a

SENATE VERSION (IE)

SECTION 1. Same as House version.

SECTION 2. Same as House version.

SECTION 3. Same as House version.

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follow-up inspection of an institution after conducting an inspection, survey, or investigation of the institution under Section 242.043 or 242.044 to:

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

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

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

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

(b) The commission shall continue to regularly evaluate the commission's capacity to regulate institutions under this chapter and implement corrective measures as necessary.

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

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

SECTION 4. (a) The Health and Human Services Commission shall conduct a survey on the number of facilities

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licensed under Chapter 242, Health and Safety Code, and the number of assisted living facilities licensed under Chapter 247, Health and Safety Code, 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.

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

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

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licensed under Chapter 242, Health and Safety Code, and the number of assisted living facilities licensed under Chapter 247, Health and Safety Code, 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.

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

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

(c) Not later than September 1, 2022, the Health and Human Services Commission shall **submit** the results of the survey conducted under Subsection (a) of this section **to the members of the House Human Services Committee and the Senate Health and Human Services Committee, or the successor of those committees.** [FA1]

SECTION 5. Same as House version.

CONFERENCE