

**BILL ANALYSIS**

Senate Research Center  
89R3109 LRM-D

S.B. 481  
By: Alvarado et al.  
Health & Human Services  
3/21/2025  
As Filed

**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Texas has the second most nursing facilities (NFs) in the U.S. and ranks first in the number of serious deficiencies and federal fines. During Hurricane Beryl, many NFs and assisted living facilities (ALFs) in Texas were significantly impacted by power outages. These facilities struggled to maintain safe temperatures, leading to severe discomfort and health risks for the elderly. The outages raised concerns about emergency preparedness and highlighted gaps in Texas's regulatory requirements. Under current law, NFs must have backup power sources, while ALFs do not unless they serve 17 residents or more. However, even when backup power is available in NFs, it is only mandated for safety features, refrigeration and life-saving equipment—neglecting air conditioning and heating systems.

NFs and ALFs are required to have an emergency plan that may be reviewed by the Health and Human Services Commission when a surveyor is onsite. However, these plans are not mandated to include provisions for temperature regulation. S.B. 481 seeks to address this issue by amending the Health and Safety Code to require facilities to maintain safe temperatures through backup power, ensuring the safety and well-being of those in their care. This legislation enjoys support from groups advocating for the wellbeing of Texas's senior citizens. Staff are working to address any outstanding concerns from other groups and are optimistic that the bill will not have opposition when it receives a hearing.

As proposed, S.B. 481 amends current law relating to emergency preparedness and response plans for the continued care and safety of nursing facility and assisted living facility residents.

**RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 242.053, Health and Safety Code) and SECTION 2 (Section 247.073, Health and Safety Code) of this bill.

**SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 242, Health and Safety Code, by adding Section 242.053, as follows:

Sec. 242.053. EMERGENCY PREPAREDNESS AND RESPONSE PLAN. (a) Defines "emergency."

(b) Requires each nursing facility to:

- (1) adopt and implement an emergency preparedness and response plan for the continued care and safety of residents and the continuity of the facility's essential building systems during an emergency; and
- (2) prepare and annually update as necessary a written policy, including procedures, to ensure the facility activates, operates, and maintains generators or alternate power sources and fuel resources required under this section.

(c) Requires that an emergency preparedness and response plan adopted in accordance with this section:

(1) require a nursing facility to install and maintain on the facility's premises:

(A) an emergency generator or alternate power source;

(B) a fuel supply with enough capacity to power the emergency generator or alternative power source for not less than 96 hours; and

(C) a carbon monoxide alarm or detector that complies with rules the executive commissioner of the Health and Human Services Commission (HHSC) adopts; and

(2) include strategies to:

(A) prevent resident complications from heat exposure during a power outage, including requiring the facility to maintain a temperature between 71 degrees and 81 degrees Fahrenheit;

(B) safely transport residents to an appropriate facility when the facility's management knows the facility is unable to maintain the facility's temperature within a range safe for residents; and

(C) respond to inquiries from residents' family members during an emergency.

(d) Requires each nursing facility to provide to facility personnel the written policy prepared in accordance with Subsection (b)(2) and relevant training on the facility's emergency preparedness and response plan adopted under this section.

(e) Requires a nursing facility, in preparing for or responding to an emergency, to follow each procedure or requirement outlined in:

(1) the emergency preparedness and response plan the facility adopts under this section, including contingency procedures or requirements to meet a resident's individual medical needs; and

(2) the written policy prepared in accordance with Subsection (b)(2).

(f) Requires HHSC to review and approve each nursing facility's emergency preparedness and response plan required by this section and each update to the plan. Authorizes HHSC to revoke a facility's license issued under Chapter 242 (Convalescent and Nursing Facilities and Related Institutions) for failure to comply with this section or rules adopted under this section.

(g) Requires the executive commissioner of HHSC adopt the rules necessary to administer and enforce this section.

SECTION 2. Amends Subchapter D, Chapter 247, Health and Safety Code, by adding Section 247.073, as follows:

Sec. 247.073. EMERGENCY PREPAREDNESS AND RESPONSE PLAN. (a) Defines "emergency."

(b) Requires each assisted living facility to:

(1) adopt and implement an emergency preparedness and response plan for the continued care and safety of residents and the continuity of the facility's essential building systems during an emergency; and

(2) prepare and annually update as necessary a written policy, including procedures, to ensure the facility activates, operates, and maintains generators or alternate power sources and fuel resources required under this section.

(c) Requires that an emergency preparedness and response plan adopted in accordance with this section:

(1) require an assisted living facility to install and maintain on the facility's premises:

(A) an emergency generator or alternate power source;

(B) a fuel supply with enough capacity to power the emergency generator or alternative power source for not less than 96 hours; and

(C) a carbon monoxide alarm or detector that complies with rules the executive commissioner of HHSC adopts; and

(2) include strategies to:

(A) prevent resident complications from heat exposure during a power outage, including requiring the facility to maintain a temperature between 71 degrees and 81 degrees Fahrenheit;

(B) safely transport residents to an appropriate facility when the facility's management knows the facility is unable to maintain the facility's temperature within a range safe for residents; and

(C) respond to inquiries from residents' family members during an emergency.

(d) Requires each assisted living facility to provide to facility personnel the written policy prepared in accordance with Subsection (b)(2) and relevant training on the facility's emergency preparedness and response plan adopted under this section.

(e) Requires an assisted living facility, in preparing for or responding to an emergency, to follow each procedure or requirement outlined in:

(1) the emergency preparedness and response plan the facility adopts under this section, including contingency procedures or requirements to meet a resident's individual medical needs; and

(2) the written policy prepared in accordance with Subsection (b)(2).

(f) Requires HHSC to review and approve each assisted living facility's emergency preparedness and response plan required by this section and each update to the plan. Authorizes HHSC to revoke a facility's license issued under Chapter 242 for failure to comply with this section or rules adopted under this section.

(g) Requires the executive commissioner of HHSC to adopt the rules necessary to administer and enforce this section.

SECTION 3. Requires each nursing facility and assisted living facility, as soon as practicable after the effective date of this Act, to adopt and implement an emergency preparedness and response plan as required by Sections 242.053 and 247.073, Health and Safety Code, as added by this Act.

SECTION 4. Requires the executive commissioner of HHSC, as soon as practicable after the effective date of this Act, to adopt the rules required by Sections 242.053 and 247.073, Health and Safety Code, as added by this Act.

SECTION 5. Effective date: September 1, 2025.