89R3109 LRM-D

By:  Alvarado, et al. S.B. No. 481

A BILL TO BE ENTITLED

AN ACT

relating to emergency preparedness and response plans for the continued care and safety of nursing facility and assisted living facility residents.

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

SECTION 1.  Subchapter B, Chapter 242, Health and Safety Code, is amended by adding Section 242.053 to read as follows:

Sec. 242.053.  EMERGENCY PREPAREDNESS AND RESPONSE PLAN. (a) In this section, "emergency" means an incident likely to threaten the health, welfare, or safety of residents, personnel, or the public at a nursing facility, including a fire, an equipment failure, a power outage, a flood, an interruption in utility service, a medical emergency, or a natural or other disaster.

(b)  Each nursing facility shall:

(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)  An emergency preparedness and response plan adopted in accordance with this section must:

(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 alternate power source for not less than 96 hours; and

(C)  a carbon monoxide alarm or detector that complies with rules the executive commissioner 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)  Each nursing facility shall 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)  In preparing for or responding to an emergency, a nursing facility shall 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)  The commission shall review and approve each nursing facility's emergency preparedness and response plan required by this section and each update to the plan. The commission may revoke a facility's license issued under this chapter for failure to comply with this section or rules adopted under this section.

(g)  The executive commissioner shall adopt the rules necessary to administer and enforce this section.

SECTION 2.  Subchapter D, Chapter 247, Health and Safety Code, is amended by adding Section 247.073 to read as follows:

Sec. 247.073.  EMERGENCY PREPAREDNESS AND RESPONSE PLAN. (a) In this section, "emergency" means an incident likely to threaten the health, welfare, or safety of residents, personnel, or the public at an assisted living facility, including a fire, an equipment failure, a power outage, a flood, an interruption in utility service, a medical emergency, or a natural or other disaster.

(b)  Each assisted living facility shall:

(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)  An emergency preparedness and response plan adopted in accordance with this section must:

(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 alternate power source for not less than 96 hours; and

(C)  a carbon monoxide alarm or detector that complies with rules the executive commissioner 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)  Each assisted living facility shall 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)  In preparing for or responding to an emergency, an assisted living facility shall 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)  The commission shall review and approve each assisted living facility's emergency preparedness and response plan required by this section and each update to the plan. The commission may revoke a facility's license issued under this chapter for failure to comply with this section or rules adopted under this section.

(g)  The executive commissioner shall adopt the rules necessary to administer and enforce this section.

SECTION 3.  As soon as practicable after the effective date of this Act, each nursing facility and assisted living facility shall 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.  As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt the rules required by Sections 242.053 and 247.073, Health and Safety Code, as added by this Act.

SECTION 5.  This Act takes effect September 1, 2025.