

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

3                   (A) an emergency generator or alternate power  
4 source;

5                   (B) a fuel supply with enough capacity to power  
6 the emergency generator or alternate power source for not less than  
7 96 hours; and

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

10           (2) include strategies to:

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

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

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

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

25           (e) In preparing for or responding to an emergency, a  
26 nursing facility shall follow each procedure or requirement  
27 outlined in:

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

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

7           (f) The commission shall review and approve each nursing  
8 facility's emergency preparedness and response plan required by  
9 this section and each update to the plan. The commission may revoke  
10 a facility's license issued under this chapter for failure to  
11 comply with this section or rules adopted under this section.

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

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

16           Sec. 247.073. EMERGENCY PREPAREDNESS AND RESPONSE PLAN.

17           (a) In this section, "emergency" means an incident likely to  
18 threaten the health, welfare, or safety of residents, personnel, or  
19 the public at an assisted living facility, including a fire, an  
20 equipment failure, a power outage, a flood, an interruption in  
21 utility service, a medical emergency, or a natural or other  
22 disaster.

23           (b) Each assisted living facility shall:

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

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

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

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

9                   (A) an emergency generator or alternate power  
10 source;

11                   (B) a fuel supply with enough capacity to power  
12 the emergency generator or alternate power source for not less than  
13 96 hours; and

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

16           (2) include strategies to:

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

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

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

27           (d) Each assisted living facility shall provide to facility

1 personnel the written policy prepared in accordance with Subsection  
2 (b)(2) and relevant training on the facility's emergency  
3 preparedness and response plan adopted under this section.

4 (e) In preparing for or responding to an emergency, an  
5 assisted living facility shall follow each procedure or requirement  
6 outlined in:

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

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

13 (f) The commission shall review and approve each assisted  
14 living facility's emergency preparedness and response plan  
15 required by this section and each update to the plan. The  
16 commission may revoke a facility's license issued under this  
17 chapter for failure to comply with this section or rules adopted  
18 under this section.

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

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

26 SECTION 4. As soon as practicable after the effective date  
27 of this Act, the executive commissioner of the Health and Human

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1 Services Commission shall adopt the rules required by Sections  
2 242.053 and 247.073, Health and Safety Code, as added by this Act.

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