

By: Hall

S.B. No. 1472

A BILL TO BE ENTITLED

AN ACT

relating to assisted living facilities allowing residents to designate an advocate.

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

SECTION 1. Section 247.0011(b), Health and Safety Code, is amended to read as follows:

(b) The executive commissioner shall protect residents of assisted living facilities by:

(1) adopting rules relating to quality of care and quality of life; and

(2) adopting rules relating to the assessment of the condition and service needs of each resident, including the designation of an advocate for the resident.

SECTION 2. Section 247.002, Health and Safety Code, is amended by amending Subdivision (1) and adding Subdivision (1-a) to read as follows:

(1) "Advocate" means an individual who advocates on behalf of a resident, including:

(A) the resident's spouse, family member, companion, or guardian;

(B) the parent, legal custodian, or guardian of a resident under 18 years of age;

(C) an agent the resident designates under a durable power of attorney for health care; and

1                    (D) an individual a court appoints to act as the  
2 resident's guardian.

3                    (1-a) "Assisted living facility" means an  
4 establishment that:

5                    (A) furnishes, in one or more facilities, food  
6 and shelter to four or more persons who are unrelated to the  
7 proprietor of the establishment;

8                    (B) provides:

9                    (i) personal care services; or

10                    (ii) administration of medication by a  
11 person licensed or otherwise authorized in this state to administer  
12 the medication;

13                    (C) may provide assistance with or supervision of  
14 the administration of medication;

15                    (D) may provide skilled nursing services for the  
16 following limited purposes:

17                    (i) coordination of resident care with  
18 outside home and community support services agencies and other  
19 health care professionals;

20                    (ii) provision or delegation of personal  
21 care services and medication administration as described by this  
22 subdivision;

23                    (iii) assessment of residents to determine  
24 the care required; and

25                    (iv) for periods of time as established by  
26 department rule, delivery of temporary skilled nursing treatment  
27 for a minor illness, injury, or emergency; and

1 (E) may provide health maintenance activities as  
2 defined by rule by the Texas Board of Nursing.

3 SECTION 3. Section 247.021(d), Health and Safety Code, is  
4 amended to read as follows:

5 (d) The executive commissioner by rule shall establish  
6 procedures to issue a six-month provisional license to existing  
7 facilities with residents. The department may issue a provisional  
8 license if:

9 (1) the facility is in compliance with resident care  
10 standards;

11 (2) the facility voluntarily discloses that the  
12 facility needs additional time to comply with life safety code and  
13 physical plant standards;

14 (3) the disclosure is made in writing by certified  
15 mail to the department;

16 (4) an investigation of the violation was not  
17 initiated and the violation was not independently detected by the  
18 department; ~~and~~

19 (5) the disclosure is made promptly after knowledge of  
20 the information disclosed is obtained by the facility; and

21 (6) the facility adopts advocate policies and  
22 procedures in accordance with Section 247.073 and rules adopted  
23 under that section.

24 SECTION 4. Section 247.064(b), Health and Safety Code, is  
25 amended to read as follows:

26 (b) The residents' bill of rights must provide that each  
27 resident in the assisted living facility has the right to:

- 1           (1) manage the resident's financial affairs;
- 2           (2) determine the resident's dress, hair style, or  
3 other personal effects according to individual preference, except  
4 that the resident has the responsibility to maintain personal  
5 hygiene;
- 6           (3) retain and use personal property in the resident's  
7 immediate living quarters and to have an individual locked cabinet  
8 in which to keep personal property;
- 9           (4) receive and send unopened mail;
- 10          (5) unaccompanied access to a telephone at a  
11 reasonable hour or in case of an emergency or personal crisis;
- 12          (6) privacy;
- 13          (7) unrestricted communication, including personal  
14 visitation with any person of the resident's choice, at any  
15 reasonable hour, including family members and representatives of  
16 advocacy groups and community service organizations;
- 17          (8) make contacts with the community and to achieve  
18 the highest level of independence, autonomy, and interaction with  
19 the community of which the resident is capable;
- 20          (9) present grievances on behalf of the resident or  
21 others to the operator, state agencies, or other persons without  
22 threat of reprisal in any manner;
- 23          (10) a safe and decent living environment and  
24 considerate and respectful care that recognizes the dignity and  
25 individuality of the resident;
- 26          (11) refuse to perform services for the facility,  
27 except as contracted for by the resident and operator;

1 (12) practice the religion of the resident's choice;

2 (13) leave the facility temporarily or permanently,  
3 subject to contractual or financial obligations; ~~and~~

4 (14) not be deprived of any constitutional, civil, or  
5 legal right solely by reason of residence in an assisted living  
6 facility; and

7 (15) designate an advocate in accordance with Section  
8 247.073 and rules adopted under that section.

9 SECTION 5. Subchapter D, Chapter 247, Health and Safety  
10 Code, is amended by adding Section 247.073 to read as follows:

11 Sec. 247.073. ADVOCATE DESIGNATION POLICIES AND  
12 PROCEDURES. (a) The executive commissioner by rule shall require  
13 each assisted living facility to develop and implement policies  
14 providing each resident an opportunity to designate an advocate for  
15 whom the facility will provide meaningful in-person access to the  
16 resident, specifically during the resident's final days of life,  
17 regardless of any declared public health disaster or emergency  
18 restricting in-person visitation.

19 (b) The policies and procedures described by Subsection (a)  
20 may not:

21 (1) require or coerce a resident to waive the  
22 resident's rights under this section;

23 (2) require the resident's visits with the designated  
24 advocate to be virtual; or

25 (3) authorize an individual to serve as an advocate  
26 for a resident if a court found the individual abused the resident  
27 or the facility determines the individual poses a serious risk to

1 the resident.

2 (c) The facility shall provide and explain the policies and  
3 procedures described by Subsection (a) to each resident:

4 (1) during the facility's admission process; and

5 (2) before the facility implements any changes to the  
6 policy.

7 SECTION 6. As soon as practicable after the effective date  
8 of this Act, the executive commissioner of the Health and Human  
9 Services Commission shall adopt rules as necessary to implement  
10 Section 247.073, Health and Safety Code, as added by this Act.

11 SECTION 7. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect September 1, 2025.