

1-1 By: Naishtat (Senate Sponsor - Zaffirini) H.B. No. 1337  
 1-2 (In the Senate - Received from the House May 6, 2015;  
 1-3 May 7, 2015, read first time and referred to Committee on Health  
 1-4 and Human Services; May 22, 2015, reported favorably by the  
 1-5 following vote: Yeas 9, Nays 0; May 22, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to requiring institutions and assisted living facilities  
 1-20 to maintain guardianship orders of residents.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter A, Chapter 242, Health and Safety  
 1-23 Code, is amended by adding Section 242.019 to read as follows:

1-24 Sec. 242.019. GUARDIANSHIP ORDERS. An institution shall  
 1-25 make a reasonable effort to request a copy of any court order  
 1-26 appointing a guardian of a resident or a resident's estate from the  
 1-27 resident's nearest relative or the person responsible for the  
 1-28 resident's support. An institution that receives a copy of a court  
 1-29 order appointing a guardian of a resident or a resident's estate  
 1-30 shall maintain a copy of the court order in the resident's medical  
 1-31 records.

1-32 SECTION 2. Subchapter D, Chapter 247, Health and Safety  
 1-33 Code, is amended by adding Section 247.070 to read as follows:

1-34 Sec. 247.070. GUARDIANSHIP ORDERS. An assisted living  
 1-35 facility shall make a reasonable effort to request a copy of any  
 1-36 court order appointing a guardian of a resident or a resident's  
 1-37 estate from the resident's nearest relative or the person  
 1-38 responsible for the resident's support. An assisted living facility  
 1-39 that receives a copy of a court order appointing a guardian of a  
 1-40 resident or a resident's estate shall maintain a copy of the court  
 1-41 order in the resident's medical records.

1-42 SECTION 3. Section 260A.007(e), Health and Safety Code, is  
 1-43 amended to read as follows:

1-44 (e) In investigating the report of abuse, neglect,  
 1-45 exploitation, or other complaint, the investigator for the  
 1-46 department shall:

1-47 (1) make an unannounced visit to the facility to  
 1-48 determine the nature and cause of the alleged abuse, neglect, or  
 1-49 exploitation of the resident;

1-50 (2) interview each available witness, including the  
 1-51 resident who suffered the alleged abuse, neglect, or exploitation  
 1-52 if the resident is able to communicate or another resident or other  
 1-53 witness identified by any source as having personal knowledge  
 1-54 relevant to the report of abuse, neglect, exploitation, or other  
 1-55 complaint;

1-56 (3) personally inspect any physical circumstance that  
 1-57 is relevant and material to the report of abuse, neglect,  
 1-58 exploitation, or other complaint and that may be objectively  
 1-59 observed;

1-60 (4) make a photographic record of any injury to a  
 1-61 resident, subject to Subsection (n); [~~and~~]

2-1 (5) write an investigation report that includes:  
2-2 (A) the investigator's personal observations;  
2-3 (B) a review of relevant documents and records;  
2-4 (C) a summary of each witness statement,  
2-5 including the statement of the resident that suffered the alleged  
2-6 abuse, neglect, or exploitation and any other resident interviewed  
2-7 in the investigation; and  
2-8 (D) a statement of the factual basis for the  
2-9 findings for each incident or problem alleged in the report or other  
2-10 allegation; and

2-11 (6) for a resident of an institution or assisted  
2-12 living facility, inspect any court order appointing a guardian of  
2-13 the resident who was the subject of the alleged abuse, neglect, or  
2-14 exploitation that is maintained in the resident's medical records  
2-15 under Section 242.019 or 247.070.

2-16 SECTION 4. (a) An institution is not required to comply  
2-17 with Section 242.019, Health and Safety Code, as added by this Act,  
2-18 before January 1, 2016.

2-19 (b) An assisted living facility is not required to comply  
2-20 with Section 247.070, Health and Safety Code, as added by this Act,  
2-21 before January 1, 2016.

2-22 SECTION 5. This Act takes effect September 1, 2015.

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