

1-1 By: Zerwas, et al. (Senate Sponsor - Uresti) H.B. No. 1769  
 1-2 (In the Senate - Received from the House April 20, 2015;  
 1-3 April 23, 2015, read first time and referred to Committee on Health  
 1-4 and Human Services; May 6, 2015, reported favorably by the  
 1-5 following vote: Yeas 9, Nays 0; May 6, 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 requirements for assisted living facility license  
 1-20 applicants.

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

1-22 SECTION 1. Section 247.022, Health and Safety Code, is  
 1-23 amended by adding Subsections (d), (e), and (f) to read as follows:

1-24 (d) An assisted living facility license applicant in good  
 1-25 standing may request an initial license that does not require an  
 1-26 on-site health inspection. The department may not require the  
 1-27 applicant to admit a resident to the facility before the department  
 1-28 issues the license. The department shall require the license  
 1-29 applicant to submit for approval policies and procedures,  
 1-30 verification of employee background checks, and employee  
 1-31 credentials.

1-32 (e) The department shall conduct a survey of a facility  
 1-33 issued an initial license under Subsection (d) not later than the  
 1-34 90th day after the date on which the department issues the license  
 1-35 to the facility. Until the department conducts the survey, the  
 1-36 facility shall disclose to all residents and prospective residents  
 1-37 that the department has not yet conducted the survey required by  
 1-38 this subsection.

1-39 (f) For purposes of this section, a license applicant is in  
 1-40 "good standing" if:

1-41 (1) the license applicant, or the controlling person  
 1-42 of the license applicant if the license applicant is a newly formed  
 1-43 business entity, has operated or been the controlling person of an  
 1-44 assisted living facility in this state for six consecutive years;  
 1-45 and

1-46 (2) each assisted living facility operated by the  
 1-47 license applicant, or operated or controlled by a controlling  
 1-48 person of the license applicant if the license applicant is a newly  
 1-49 formed business entity:

1-50 (A) has not had a violation that resulted in  
 1-51 actual harm to a resident or that posed an immediate threat of harm  
 1-52 causing, or likely to cause, serious injury, impairment, or death  
 1-53 of a resident; and

1-54 (B) in the six years preceding the date on which  
 1-55 the license applicant submits the application, has not had a  
 1-56 sanction imposed by the department against the facility, including:

1-57 (i) the imposition of a civil or  
 1-58 administrative penalty or an injunction;

1-59 (ii) the denial, suspension, or revocation  
 1-60 of a license; or

1-61 (iii) an emergency closure.

2-1 SECTION 2. As soon as practicable after the effective date  
2-2 of this Act, the executive commissioner of the Health and Human  
2-3 Services Commission shall adopt the rules necessary to implement  
2-4 the change in law made by this Act.

2-5 SECTION 3. This Act takes effect September 1, 2015.

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