

1-1 By: Uresti S.B. No. 785
 1-2 (In the Senate - Filed February 25, 2015; March 2, 2015,
 1-3 read first time and referred to Committee on Health and Human
 1-4 Services; April 9, 2015, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
 1-6 April 9, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
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	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 785 By: Zaffirini

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to requirements for assisted living facility license
 1-22 applicants.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 247.022, Health and Safety Code, is
 1-25 amended by adding Subsections (d), (e), and (f) to read as follows:

1-26 (d) An assisted living facility license applicant in good
 1-27 standing may request an initial license that does not require an
 1-28 on-site health inspection. The department may not require the
 1-29 applicant to admit a resident to the facility before the department
 1-30 issues the license. The department shall require the license
 1-31 applicant to submit for approval policies and procedures,
 1-32 verification of employee background checks, and employee
 1-33 credentials.

1-34 (e) The department shall conduct a survey of a facility
 1-35 issued an initial license under Subsection (d) not later than the
 1-36 90th day after the date on which the department issues the license
 1-37 to the facility. Until the department conducts the survey, the
 1-38 facility shall disclose to all residents and prospective residents
 1-39 that the department has not yet conducted the survey required by
 1-40 this subsection.

1-41 (f) For purposes of this section, a license applicant is in
 1-42 "good standing" if:

1-43 (1) the license applicant, or the controlling person
 1-44 of the license applicant if the license applicant is a newly formed
 1-45 business entity, has operated or been the controlling person of an
 1-46 assisted living facility in this state for six consecutive years;
 1-47 and

1-48 (2) each assisted living facility operated by the
 1-49 license applicant, or operated or controlled by a controlling
 1-50 person of the license applicant if the license applicant is a newly
 1-51 formed business entity:

1-52 (A) has not had a violation that resulted in
 1-53 actual harm to a resident or that posed an immediate threat of harm
 1-54 causing, or likely to cause, serious injury, impairment, or death
 1-55 of a resident; and

1-56 (B) in the six years preceding the date on which
 1-57 the license applicant submits the application, has not had a
 1-58 sanction imposed by the department against the facility, including:

1-59 (i) the imposition of a civil or
 1-60 administrative penalty or an injunction;

2-1 (ii) the denial, suspension, or revocation
2-2 of a license; or
2-3 (iii) an emergency closure.

2-4 SECTION 2. As soon as practicable after the effective date
2-5 of this Act, the executive commissioner of the Health and Human
2-6 Services Commission shall adopt the rules necessary to implement
2-7 the change in law made by this Act.

2-8 SECTION 3. This Act takes effect September 1, 2015.

2-9 * * * * *