

1-1 By: Campos (Senate Sponsor - Zaffirini) H.B. No. 1423
1-2 (In the Senate - Received from the House May 10, 2021;
1-3 May 14, 2021, read first time and referred to Committee on Health &
1-4 Human Services; May 21, 2021, reported favorably by the following
1-5 vote: Yeas 9, Nays 0; May 21, 2021, 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 the regulation and inspection procedures of certain
1-20 long-term care facilities, including a survey of certain
1-21 facilities' emergency power sources.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 242.043(a), Health and Safety Code, is
1-24 amended to read as follows:

1-25 (a) The commission [~~department~~] or the commission's
1-26 [~~department's~~] representative may make any inspection, including
1-27 an unannounced inspection or follow-up inspection, survey, or
1-28 investigation that it considers necessary and may enter the
1-29 premises of an institution at reasonable times to make an
1-30 inspection, survey, or investigation in accordance with department
1-31 rules.

1-32 SECTION 2. Sections 242.044(a) and (b), Health and Safety
1-33 Code, are amended to read as follows:

1-34 (a) The commission [~~Each licensing period, the department~~]
1-35 shall annually conduct at least one [~~two~~] unannounced inspection
1-36 [~~inspections~~] of each institution.

1-37 (b) For at least one [~~two~~] unannounced annual inspection
1-38 [~~inspections each licensing period~~] of an institution, the
1-39 commission [~~department~~] shall invite at least one person as a
1-40 citizen advocate from:

- 1-41 (1) the AARP;
1-42 (2) the Texas Senior Citizen Association;
1-43 (3) the department's Certified Long-term Care
1-44 Ombudsman; or
1-45 (4) another statewide organization for the elderly.

1-46 SECTION 3. Subchapter B, Chapter 242, Health and Safety
1-47 Code, is amended by adding Sections 242.0441 and 242.0442 to read as
1-48 follows:

1-49 Sec. 242.0441. FOLLOW-UP INSPECTIONS. (a) The commission
1-50 or the commission's representative may conduct a follow-up
1-51 inspection of an institution after conducting an inspection,
1-52 survey, or investigation of the institution under Section 242.043
1-53 or 242.044 to:

1-54 (1) evaluate and monitor the findings of the initial
1-55 inspection, survey, or investigation; and

1-56 (2) ensure the commission is citing and punishing
1-57 institutional deficiencies consistently across the state.

1-58 (b) If an institution corrects a deficiency cited during a
1-59 follow-up inspection within the time specified by executive
1-60 commissioner rule, the commission may not impose additional
1-61 punitive actions for the deficiency.

2-1 Sec. 242.0442. COMMISSION EVALUATION OF REGULATORY
2-2 CAPACITY. (a) Not later than January 31 of each year, the
2-3 commission shall evaluate the commission's capacity to regulate
2-4 institutions under this chapter and formulate a strategy to
2-5 effectively perform licensing duties, enforcement activities, and
2-6 complaint investigations for that year.

2-7 (b) The commission shall continue to regularly evaluate the
2-8 commission's capacity to regulate institutions under this chapter
2-9 and implement corrective measures as necessary.

2-10 (c) The commission shall monitor the commission's staffing
2-11 of employees who perform inspections, surveys, or investigations of
2-12 institutions under this chapter and fill any vacant positions as
2-13 soon as possible.

2-14 (d) Not later than January 1 of each year, the commission
2-15 shall evaluate the commission's compliance during the previous year
2-16 with Sections 242.043, 242.044, and 242.0441.

2-17 SECTION 4. (a) The Health and Human Services Commission
2-18 shall conduct a survey on the number of facilities licensed under
2-19 Chapter 242, Health and Safety Code, and the number of assisted
2-20 living facilities licensed under Chapter 247, Health and Safety
2-21 Code, that are equipped with an operational emergency generator or
2-22 comparable emergency power source that is capable of providing
2-23 continuous electric utility services to the facility during severe
2-24 weather events or other emergencies.

2-25 (b) Not later than September 1, 2022, the Health and Human
2-26 Services Commission shall publish the results of the survey
2-27 conducted under Subsection (a) of this section on the commission's
2-28 Internet website.

2-29 SECTION 5. This Act takes effect September 1, 2021.

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