

BILL ANALYSIS

Senate Research Center

H.B. 2248
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Transportation & Homeland Security
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

A recommendation from the House Select Committee on Hurricane Ike Storm Devastation to the Texas Gulf Coast suggests that facilities that provide care to the sick, elderly, and to special needs populations create plans for evacuation and "sheltering in place."

This legislation requires the emergency plans of a facility that provides care to sick, elderly, and special needs populations to be submitted to the city or county in which the facility is located and to be reviewed and approved by GDEM of emergency management in the governor's office. In addition, the bill requires facilities to submit an approved emergency plan when applying or renewing their licenses and requires facilities to perform an emergency management drill at a random time at least once every six months.

H.B. 2248 relates to an emergency management plan for certain health care facilities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 418, Government Code, by adding Section 418.049, as follows:

Sec. 418.049. EMERGENCY MANAGEMENT PLAN FOR CERTAIN HEALTH CARE FACILITIES. (a) Requires the division of emergency management in the office of the governor (GDEM) to review each emergency management plan submitted under Sections 242.018, 246.008, and 247.007, Health and Safety Code, and suggest changes to a plan as necessary to ensure safety of the residents of the facility or institution.

(b) Requires GDEM to approve a plan as appropriate and provide evidence of GDEM's approval to the facility or institution.

SECTION 2. Amends Subchapter A, Chapter 242, Health and Safety Code, by adding Sections 242.018 and 242.019, as follows:

Sec. 242.018. EMERGENCY MANAGEMENT PLAN. (a) Defines "area prone to severe weather" for the purposes of this section.

(b) Requires an institution located in an area prone to severe weather to prepare and keep current an emergency management plan providing for disaster mitigation, preparedness, response, and recovery.

(c) Requires that the plan provide for evacuation of the institution and sheltering at the institution by the residents for the duration of the emergency.

(d) Requires each institution to submit the institution's emergency management plan to GDEM and the city or county in which the institution is located.

Sec. 242.019. EMERGENCY MANAGEMENT DRILL. (a) Requires an institution subject to Section 242.018 to perform an emergency management drill at a random time at least once every six months.

(b) Requires an institution to use the emergency management drills to test the institution's procedures during an emergency for evacuation and relocating the institution's residents and staff and for sheltering the residents and staff in the institution and improve the efficiency, knowledge, and response of institution staff in implementing the emergency management plan under Section 242.018.

(c) Requires the institution to ensure that an emergency management drill causes as little disruption to residents as possible.

SECTION 3. Amends Section 242.032, Health and Safety Code, by adding Subsection (c-1), to require each applicant for a license or a renewal of a license to submit evidence of approval of the institution's emergency management plan under Section 242.018, if applicable, GDEM.

SECTION 4. Amends Subchapter A, Chapter 246, Health and Safety Code, by adding Sections 246.008 and 246.009, as follows:

Sec. 246.008. EMERGENCY MANAGEMENT PLAN. (a) Defines "area prone to severe weather" for purposes of this section.

(b) Requires each facility located in an area prone to severe weather to prepare and keep current an emergency management plan providing for disaster mitigation, preparedness, response, and recovery.

(c) Requires that the plan provide for evacuation of the facility and sheltering at the facility by the residents for the duration of the emergency.

(d) Requires each facility to submit the facility's emergency management plan to GDEM and the city or county in which the facility is located.

Sec. 246.009. EMERGENCY MANAGEMENT DRILL. (a) Requires a facility subject to Section 246.008 to perform an emergency management drill at a random time at least once every three months.

(b) Requires a facility to use the emergency management drills to test the facility's procedures during an emergency for evacuation and relocating the facility residents and staff and for sheltering facility residents and staff at the facility and improve the efficiency, knowledge, and response of facility staff in implementing the emergency management plan under Section 246.008.

(c) Requires a facility to ensure that an emergency management drill causes as little disruption to residents as possible.

SECTION 5. Amends Section 246.022(c), Health and Safety Code, to require the commissioner of the State Board of Insurance (commissioner) to grant an application for a certificate of authority if the commissioner finds that the applicant has submitted evidence of approval of the facility's emergency management plan under Section 246.008, if applicable, by GDEM.

SECTION 6. Amends Subchapter A, Chapter 247, Health and Safety Code, by adding Section 247.007 and 247.008, as follows:

Sec. 247.007. EMERGENCY MANAGEMENT PLAN. (a) Defines "area prone to severe weather" for the purposes of this section.

(b) Requires each assisted living facility licensed in this state that is located in an area prone to severe weather to prepare and keep current an emergency management plan providing for disaster mitigation, preparedness, response, and recovery.

(c) Requires that the plan provide for evacuation of the assisted living facility and sheltering at the assisted living facility by the facility residents for the duration of the emergency.

(d) Requires each assisted living facility to submit the facility's emergency management plan to GDEM and the city or county in which the facility is located.

Sec. 247.008. EMERGENCY MANAGEMENT DRILL. (a) Requires an assisted living facility subject to Section 247.007 to perform an emergency management drill at a random time at least once every three months.

(b) Requires an assisted living facility to use the emergency management drills to test the assisted living facility's procedures during an emergency for evacuating and relocating facility residents and staff and for sheltering facility residents and staff at the facility and improve the efficiency, knowledge, and response of assisted living facility staff in implementing the emergency management plan under Section 247.007.

(c) Requires an assisted living facility to ensure that an emergency management drill causes as little disruption to residents as possible.

SECTION 7. Amends Section 247.022, Health and Safety Code, by adding Subsection (d), to require each applicant for an assisted living facility license or renewal of a license to submit evidence of approval of the facility's emergency management plan under Section 247.007, if applicable, by GDEM.

SECTION 8. Requires a convalescent or nursing home, or related institution licensed under Chapter 242 (Convalescent and Nursing Homes and Related Institutions), Health and Safety Code, a continuing care facility granted a certificate of authority under Chapter 246 (Continuing Care Facilities), Health and Safety Code, or an assisted living facility licensed under Chapter 247 (Assisted Living Facilities), Health and Safety Code, subject to Sections 242.018, 246.008, and 247.007, Health and Safety Code, as added by this Act, to develop an emergency management plan as required by those sections as soon as practicable after the effective date of this Act.

SECTION 9. Makes application of this Act prospective.

SECTION 10. Effective date: September 1, 2009.