

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 785
By: Uresti
Health & Human Services
4/7/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.S.B. 785 prohibits the Department of Aging and Disability Services (DADS) from requiring an assisted living facility licensee to admit residents before conducting its final health review. Currently, a new facility must pass a building inspection, a life safety inspection, hire and train a full staff, and admit more than one and no more than three residents before it writes DADS requesting a final health inspection. Only after a facility has passed its final review may it begin to admit the remaining residents. DADS says that they are able to conduct the inspection on average within four weeks of the licensee's request. This is four weeks of what essentially amounts to a month of uncompensated expenses for the facility, and an inspection that is conducted under unrealistic conditions.

C.S.S.B. 785 authorizes an assisted living facility applicant in good standing to request an initial license prior to passing the DADS health inspection. DADS shall request the applicant to submit policies, procedures, verification of employee background checks, and employee credentials. Once DADS has granted the initial license, the applicant may begin to admit residents, but it shall disclose to all incoming residents that it has not completed the health inspection. DADS shall survey the facility within 90 days of issuing the initial license.

C.S.S.B. 785 defines "a licensee in good standing" as a license applicant who has operated an assisted living facility in Texas for at least six consecutive years, has not had a violation that resulted in actual harm to a resident or a violation that posed an immediate threat of harm, and has not had an administrative sanction.

C.S.S.B. 785 amends current law relating to requirements for assisted living facility license applicants.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 247.022, Health and Safety Code, by adding Subsections (d), (e), and (f), as follows:

(d) Authorizes an assisted living facility license applicant in good standing to request an initial license that does not require an on-site health inspection. Prohibits the Department of Aging and Disability Services (DADS) from requiring the applicant to admit a resident to the facility before DADS issues the license. Requires DADS to require the license applicant to submit for approval policies and procedures, verification of employee background checks, and employee credentials.

(e) Requires DADS to conduct a survey of a facility issued an initial license under Subsection (d) not later than the 90th day after the date on which DADS issues the license to the facility. Requires the facility, until DADS conducts the survey, to disclose to all residents and prospective residents that DADS has not yet conducted the survey required by this subsection.

(f) Defines “good standing.”

SECTION 2. Requires the executive commissioner of the Health and Human Services Commission to adopt the rules necessary to implement the change in law made by this Act as soon as practicable after the effective date of this Act.

SECTION 3. Effective date: September 1, 2015.