

SUBJECT: Emergency preparedness plans for nursing and assisted living facilities

COMMITTEE: Defense and Veterans' Affairs — committee substitute recommended

VOTE: 7 ayes — Corte, Vaught, Chavez, Edwards, Farias, Ortiz, Pickett
0 nays
2 absent — Maldonado, C. Turner

WITNESSES: For — *(Registered, but did not testify:* Tim Graves, Texas Health Care Association)
Against — Sid Rich, Texas Association of Residential Care Communities

DIGEST: CSHB 1710 would require facilities that served people who were elderly, ill, or had special needs, were licensed by a health and human services agency, and were located in a county that was wholly or partly within 100 miles of the Gulf of Mexico to adopt an annual emergency preparedness plan and submit it to the Health and Human Services Commission. A facility's plan would have to ensure that it could provide emergency electrical power and meet the basic needs of everyone receiving services at the facility in the event of a local power outage.

The plan also would have to show that the facility had an electrical power generator or other emergency power source on the premises and would have to include a proposed schedule for the regular servicing, testing, and operation of the emergency power source. The facility would have to maintain a log of the power source's servicing, operation, and testing and would be required to submit a copy of the log to the commission with its annual emergency preparedness plan.

The Health and Human Services Commission would review and approve or disapprove each emergency preparedness plan and issue a notification of approval or disapproval to the facility. The commission could inspect a facility's emergency power source operations log at any time before the log was submitted to the commission.

The executive commissioner of the Health and Human Services Commission would be required to adopt rules governing these plans by December 1, 2009, and the facilities covered by the bill would be required to comply with the commission's rules by January 31, 2010.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.

**SUPPORTERS
SAY:**

CSHB 1710 would implement a recommendation made by the House Select Committee on Hurricane Ike Devastation. The select committee found that many nursing and assisted living facilities still were without power one week after Hurricane Ike. Facilities that are licensed by the state and that receive money for their services should be able to meet residents' needs during a disaster.

The needs of patients and residents must be balanced against the cost of purchasing an electrical generator, and evacuating a facility would be much more expensive than providing power. The bill would not specify what size power source facilities would be required to maintain, so smaller facilities would be able to purchase smaller generators from a retailer if they provided adequate power.

**OPPONENTS
SAY:**

CSHB 1710 should be limited to nursing homes and larger facilities. Many assisted living communities covered under this bill are small and may not be able to cover the costs of owning and maintaining an emergency power generator. Facilities providing assisted living and similar services should be able to present an alternate means of providing electricity during a disaster, such as renting a generator only for the time frame of the emergency.

NOTES:

The author plans to offer an amendment that would limit the facilities that would be required to submit an annual emergency preparedness plan to those that serve 50 residents or more.

The substitute differs from the bill as filed by limiting the facilities covered to those located in a county that lies wholly or partly within 100 miles of the Gulf of Mexico; allowing the facilities to have an emergency power source on the premises other than an electrical power generator; and removing provisions requiring facilities to provide emergency electrical

power in order to meet the minimum licensing standards established under the Health and Safety Code.