

SUBJECT: Emergency management plans for nursing homes and other care facilities

COMMITTEE: Defense and Veterans' Affairs — committee substitute recommended

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

WITNESSES: For — (*Registered, but did not testify*: Tim Graves, Texas Health Care Association)
Against — None
On — Jack Colley, Department of Public Safety; Sid Rich, Texas Association of Residential Care Communities

BACKGROUND: Government Code ch. 418, subch. C requires the Governor's Division of Emergency Management (GDEM) to prepare and keep current a comprehensive state emergency management plan, assist local governments in developing emergency management plans, and monitor the weather for conditions that might present a danger severe enough to constitute a disaster.

DIGEST: HB 2248 would require convalescent and nursing homes, continuing care facilities, and assisted living facilities located in a county that is wholly or partly located within 100 miles of the Gulf of Mexico to prepare and keep current an emergency management plan providing for disaster mitigation, preparedness, response, and recovery. The plans would have to be submitted to the GDEM and the emergency management offices of the city and county in which the facilities were located and would have to provide for the evacuation of the facility and the sheltering of residents at the facility for the duration of the emergency. The GDEM would have to review and approve each plan, and evidence of GDEM's approval would be required for these facilities to receive their state license or certification.

The bill also would require convalescent and nursing homes, continuing care facilities, and assisted living facilities located in a county wholly or

partly located within 100 miles of the Gulf of Mexico to perform emergency management drills at random times at least once every three months, in order to test the facilities' evacuation and relocation procedures. The facilities would be required to ensure that the drills caused as little disruption to the residents as possible.

Convalescent and nursing homes, continuing care facilities, and assisted living facilities covered by the bill that already have their license or certification would be required to develop an emergency management plan as soon as possible after the bill's effective date.

The bill would take effect September 1, 2009.

**SUPPORTERS
SAY:**

HB 2248 would provide for advance planning for either the evacuation or "sheltering in place" of nursing and convalescent homes, continuing care facilities, and assisted living facilities located in areas prone to severe weather. The emergency management plan reviews conducted by the GDEM are more rigorous than those conducted at the local level, and requiring these plans to be made in advance would prevent state officials from having to call facilities to determine whether they had a plan for evacuating or sheltering their residents.

Nothing in this bill would prevent the GDEM from contacting other state agencies for assistance in reviewing these emergency management plans. Any state costs incurred through hiring additional staff likely would be less than costs incurred during a disaster if these plans were not in place.

**OPPONENTS
SAY:**

While the requirements made by HB 2248 are a good idea, GDEM does not have the base of medical expertise required to evaluate fully these plans. Another agency with more extensive knowledge of nursing home or assisted living and continuing care issues should be involved in the evaluation process. The number of these facilities located within 100 miles of the Gulf of Mexico also means that GDEM would need more staff to handle the increased workload.

NOTES:

The Legislative Budget Board estimates that five additional staff would be required to review the emergency management plans covered under this bill, at a potential state cost of about \$216,600 per fiscal year. There could also be some one-time startup costs for office equipment.

The substitute differs from the bill as filed by limiting the facilities affected to those located in counties wholly or partly located within 100 miles of the Gulf of Mexico, and by requiring that the facilities conduct periodic, random emergency management drills.