

SUBJECT: Allowing assisted living facilities to seek certain on-site health inspections

COMMITTEE: Human Services — committee substitute recommended

VOTE: 8 ayes — Frank, Hinojosa, Clardy, Deshotel, Klick, Meza, Miller, Noble

0 nays

1 absent — Rose

WITNESSES: For — Blake Daniels, Texas Organization of Rural and Community Hospitals; (*Registered, but did not testify*: Diana Martinez, Texas Assisted Living Association; Carol Peters; Jordan Weinert)

Against — (*Registered, but did not testify*: Bill Kelberlau)

On — David Kostroun, Health and Human Services Commission

BACKGROUND: Health and Safety Code sec. 247.0211 requires the executive commissioner of the Health and Human Services Commission (HHSC) to adopt rules to implement an expedited inspection process that allows an applicant seeking an assisted living facility license or renewal to obtain a life safety code and physical plant inspection by the 15th day after the date the request is made.

40 TAC, part 1, ch. 92, subch. B, sec. 92.14(f) establishes that after an assisted living facility has met facility construction licensure requirements and has admitted one to three residents, the applicant must send written notice to HHSC that it is ready for a health inspection. HHSC staff conduct an on-site health inspection to determine if the facility meets licensure requirements for standards of operation and resident care. Sec. 92.14(g) states that HHSC issues a license within 30 days after it determines that the applicant and facility have met the licensure requirements.

DIGEST: CSHB 823 would require the executive commissioner of the Health and

Human Services Commission to adopt rules to establish an expedited inspection process allowing an applicant seeking an assisted living facility license or renewal to obtain an on-site health inspection by the 21st day after the date the request was made.

The bill would take effect September 1, 2019.

**SUPPORTERS  
SAY:**

By establishing an expedited process in which assisted living facilities could receive an on-site health inspection, CSHB 823 would reduce applicants' wait times for inspections, which are required for licensure. Currently, facilities that completed the initial life safety code and physical plant inspection are allowed to serve only one to three residents as they wait to undergo the required health inspection. Delays in health inspections can prevent facilities from operating at full capacity. Creating an expedited health inspection process would improve efficiency and is necessary to ensure facilities meet elderly individuals' needs in a timely manner.

**OPPONENTS  
SAY:**

CSHB 823 would unnecessarily change the on-site health inspection process. The current system is sufficient to process assisted living facility licensing applications.