

BILL ANALYSIS

Senate Research Center
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Health and Human Services
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DIGEST AND PURPOSE

Currently, the construction or remodeling of a nursing facility is not required to be reviewed by the Texas Department of Human Services (DHS) for compliance with health and safety regulations prior to the construction or remodeling. This bill allows DHS staff, at the request of a facility and for a reasonable fee, to review architectural plans for a new or renovated facility for compliance with health and safety standards.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Human Services in SECTION 1 (Section 103.0075, Human Resources Code), SECTION 2 (Section 242.0385, Health and Safety Code), and SECTION 3 (Section 252.0375, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 103, Human Resources Code, by adding Section 103.0075, as follows:

Sec. 103.0075. EARLY COMPLIANCE REVIEW. Requires the Texas Department of Human Services (the department) by rule to adopt a procedure under which a person proposing to construct or modify an adult day-care facility to submit building plans to the department for review for compliance with the department's architectural requirements before beginning construction or modification. Requires the department, in adopting the procedure, to set reasonable deadlines by which the department must complete review of submitted plans. Requires the department, within 30 days, to review plans submitted under this section for compliance with the department's architectural requirements and inform the person of the results of the review. Prohibits the department, if the plans comply with the department's architectural requirements, from subsequently changing the architectural requirements applicable under certain conditions. Authorizes the department to charge a reasonable fee for conducting a review under this section. Requires a fee collected under this section to be deposited in the general revenue fund and to be appropriated only to the department to conduct reviews under this section. Prohibits the review procedure provided by this section to include review of building plans for compliance with the Texas Accessibility Standards as administered and enforced by the Texas Department of Licensing and Regulation.

SECTION 2. Amends Chapter 242B, Health and Safety Code, by adding Section 242.0385 as follows:

Sec. 242.0385. EARLY COMPLIANCE REVIEW. Requires the department by rule to adopt a procedure under which a person proposing to construct or modify an institution to submit building plans to the department for review in complying with the department's architectural requirements before beginning construction or modification. Requires the department, in adopting the procedure, to set reasonable deadlines by which the department must complete review of submitted plans. Requires the department, within 30 days, to review plans submitted under this section for compliance with the department's architectural requirements and inform the person of the results of the review. Prohibits the department, if the plans comply with the department's architectural

requirements from subsequently changing the architectural requirements applicable to the project unless the change is required by federal law or the person fails to complete the project within a reasonable time. Makes conforming changes.

SECTION 3. Amends Chapter 252B, Health and Safety Code, by adding Section 252.0375 as follows:

Sec. 252.0375. EARLY COMPLIANCE REVIEW. Makes conforming changes.

SECTION 4. Effective date: September 1, 2001.