

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 867
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Health & Human Services
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Committee Report (Substituted)

DIGEST AND PURPOSE

Facilities designed for the care of seniors are not required to be equipped with central air. Severe temperature can affect the health condition of seniors, and heat has been the cause of death of some seniors in Texas. C.S.H.B. 867 requires nursing homes and assisted living facilities that are built or converted to be used as such facilities to be equipped with a central air-conditioning system.

RULEMAKING AUTHORITY

The Texas Department of Human Services is expressly required to amend its rules as necessary to comply with the new requirements under SECTION 1.02 of this bill.

SECTION BY SECTION ANALYSIS

ARTICLE 1. MINIMUM STANDARDS RELATING TO AIR CONDITIONING

SECTION 1.01. DEFINITION. Defines "department" as the Texas Department of Human Services (DHS).

SECTION 1.02. AIR CONDITIONING SYSTEMS FOR NURSING HOMES. (a) Provides that as soon as practicable after the effective date of this Act, DHS must review the rules and minimum standards applicable to an institution licensed under Chapter 242, Health and Safety Code, and adopted under Section 242.037, Health and Safety Code. Requires DHS to ensure that the rules and minimum standards require each affected institution to use a central air conditioning system or a substantially similar air conditioning system that is capable of maintaining a temperature within the areas of the institution used by residents suitable for the comfort of the residents.

(b) Provides that not later than January 1, 2004, DHS must amend the applicable rules and minimum standards as necessary to comply with Subsection (a) of this section.

(c) Provides that an amendment to the applicable rules and minimum standards made under Subsection (b) of this section applies to an institution or a part of an institution for which construction is begun after the effective date of the amendment, which may not be later than January 1, 2004, including a facility converted to use as an institution after that date.

SECTION 1.03. AIR CONDITIONING SYSTEMS FOR ASSISTED LIVING FACILITIES. (a) Provides that as soon as practicable after the effective date of this Act, DHS must review the minimum standards applicable to an assisted living facility licensed under Chapter 247, Health and Safety Code, and adopted under Section 247.026, Health and Safety Code. Requires DHS to ensure that the rules and minimum standards require each affected facility to use a central air conditioning system or a substantially similar air conditioning system that is capable of maintaining a temperature within the areas of the facility used by residents suitable for the comfort of the residents.

(b) Provides that not later than January 1, 2004, DHS must amend the applicable

minimum standards as necessary to comply with Subsection (a) of this section.

(c) Provides that an amendment to the applicable minimum standards made under Subsection (b) of this section applies to an assisted living facility or a part of a facility for which construction is begun after the effective date of the amendment, which may not be later than January 1, 2004, including a facility converted to use as an assisted living facility after that date.

ARTICLE 2. MINIMUM STANDARDS RELATING TO FIRE PROTECTION.

SECTION 2.01. Amends Section 247.030(b), Health and Safety Code, to require the modified standards to be specifically defined by the Texas Board of Human Services (board) and to provide for buildings with three or fewer stories, rather than two-story buildings. Requires an existing building that is converted to a large Type B assisted living facility, with respect to life safety code requirements, as classified by the board, to conform only to Chapter 21 of the 1988 edition of the National Fire Protection Association (NFPA) 101.

SECTION 2.02. Provides that an assisted living facility is not required to comply with Section 247.030(b), Health and Safety Code, as amended by this article, before September 1, 2004.

ARTICLE 3. EFFECTIVE DATE

SECTION 3.01 Effective date: September 1, 2003.