

BILL ANALYSIS

Senate Research Center
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H.B. 3729
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2009, the 81st Legislature passed H.B. 2972, to provide for an expedited licensing procedure for experienced assisted living facilities that were in good standing, had submitted their building plans to the Department of Aging and Disability Services (DADS) for architectural review, and had met other conditions. This would encourage new construction by owners who understood the rigors of the required construction to meet the life safety codes, had built this structure before, and were experienced owners with a good compliance history. This would encourage new facility construction and make timely opening of new facilities more predictable for elderly Texans and their families. In turn, assisted living owners were willing to pay a fee to the state for the expedited process, to relieve the state of any additional cost implications.

However, implementation of current law has focused on the word “applicant” and has used a strict definition of the language, which has inadvertently excluded businesses that share common ownership and replicate construction of plans already approved by DADS. While the “applicant” shares common ownership in each facility, they may license under different “applicant names” for tax purposes. The technical correction contained in H.B. 3729 clarifies the original intent by modifying language to show that a common “applicant” with common “controlling persons” will qualify for provisional licensure as envisioned in the original expedited licensing statute.

H.B. 3729 amends current law relating to licensing requirements for newly constructed assisted living facilities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 247.021(g), Health and Safety Code, as follows:

(g) Requires the Department of Aging and Disability Services (DADS) to, upon submission of a written request by the applicant, automatically issue a six-month provisional license without conducting a life safety code inspection before issuance of the provisional license to a newly constructed facility if:

- (1) the license applicant has submitted building plans to DADS for an early compliance review in accordance with Section 247.0261 (Early Compliance Review), rather than if the facility is in compliance with resident care standards;
- (2) all local approvals, including a certificate of occupancy where required, have been obtained;
- (3) a complete license application form is submitted within 30 days of receipt of all local approvals;
- (4) the license fee has been paid;

(5) DADS determines that the license applicant or a person who owns the license applicant and controls the operations of the license applicant constructed another facility in this state that complies with DADS's life safety code standards; and

(6) the facility is in compliance with resident care standards based on an on-site health inspection.

Deletes existing text requiring DADS to, upon submission of a written request by the applicant, automatically issue a six-month provisional license without conducting a life safety code inspection before issuance of the provisional license to a newly constructed facility if before beginning construction, the license applicant submits working drawings and specifications to DADS for review.

SECTION 2. Effective date: September 1, 2013.