



2019 / 86TH LEGISLATIVE SESSION

HB 3329: Further defines an assisted living community as an establishment that may provide Health Maintenance Activities as defined by the Texas Board of Nursing.

2017 / 85TH LEGISLATIVE SESSION AND SPECIAL SESSION

SB 1049: Established a life safety regulatory framework that is more predictable, is not overly duplicative with other state agencies, and provides for conflict avoidance with local authorities.

- Consistency: Requires technical memorandums with binding guidance on surveyors to be issued and the adoption of the 2012 or newer Life Safety Code (NFPA 101).
- Clarified that the TDLR has authority over accessibility. If TDLR has passed a facility during initial licensing, HHSC cannot cite the facility for an accessibility violation.
- Clarified that local municipalities have local code and regulation (IBC/IFC) enforcement/interpretation authority. HHSC must accept a local authority's decision on local code compliance.

HB 924: Created a more fair and balanced Informal Dispute Resolution Process for ALFs.

- Outsourced IDR to an independent third-party.
- Balanced process: surveyor's notes can now be obtained, all documents pertaining to survey must be produced, ALF has 10 days to then get their response materials to IDR reviewer, clearly indicates the burden of proof is on the State.

HB 284: TALA amendment to exempt restraint-free communities from placing a wheelchair lap-belt.

SB 11: TALA worked to allow ALFs to continue to comply with current out-of-hospital DN R regulations and got assisted living removed from the bill. In other words, no new complex DNR regulations.

2015 / 84TH LEGISLATIVE SESSION

HB 1769: Created a by-pass mechanism, for ALFs in good standing, to regulation which requires ALFs move in 1 but no more than 3 residents. Now, good standing ALFs can get licensed right after LSC inspection.

PAST LEGISLATIVE SUCCESS

- Allowed residents to access nursing services in assisted living.
- Clarified a resident has the right to age in place.
- Improved the IDR process and added arbitration as an option to the administrative hearing process.
- Designated the first Tuesday in March as "Texas Assisted Living Awareness Day".
- Clarified that a "controlling person" of a license applicant can qualify for a provisional license.
- Added Assisted Living to the priority list for electricity restoration in power outages.
- Created an expedited LSC inspection and the issuance of a provisional license for existing providers.
- For publicly traded entities - authorized a streamlined application/renewal process.

KEY REGULATORY CHANGE

- CHOW: TALA advocated for key provisions of the new Change of Ownership regulations that dealt with notification and disclosable interests.
- TALA monitors all regulatory changes impacting ALFs - provides input at stakeholder meetings, submits comments, and testifies before the HHSC Executive Council when needed.

EVENTS TO RAISE AWARENESS

- TALA Advocacy Day at the Capitol
- Aging in Texas Policy Summit
- Legislative outings of key staff to area ALs
- Legislative visits to ALs.
- Virtual Dementia tour at the Capitol.