

ADVOCACY HIGHLIGHTS

2021 / 87TH LEGISLATIVE SESSION

HB 271: Closed the background check loophole for new employees who have moved to Texas within the previous five years without requiring a more expensive and time-consuming fingerprint background check.

HB 1681: TALA Amendment created a generous grandfathering provision and limited the impact of the bill to just Harris County and new construction in the 100-year floodplain.

SB 8 (3rd Special Session): Secured a \$46 million grant program for assisted living communities to spend on staff recruitment, retention, bonuses, and upskilling.

2019 / 86TH LEGISLATIVE SESSION

HB 3329: Further defined an assisted living community as a provider that may provide Health Maintenance Activities.

2017 / 85TH LEGISLATIVE SESSION & 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 LSC.
- 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 Assisted Living communities.

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

PAST LEGISLATIVE SUCCESSES

- ❖ Created a bypass, for ALFs in good standing, to regulation which requires ALs move in 1 but no more than 3 residents. **Good standing** ALs can get licensed right after LSC inspection.
- ❖ 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.
- ❖ Added ALs to priority list for **electricity restoration** in extended power outages.
- ❖ Created an **expedited LSC inspection** and **provisional license** option for existing providers.

HERE FOR OUR MEMBERS

- Request guidance and clarification from HHSC state office while maintaining member confidentiality
- Send out timely alerts and information, so our members are first to know and first in line
- Summarize agency and legislative changes in easy-to-read language
- Coordinate and prepare members for an assisted living advocacy day at the Texas Capitol
- Inform members of potential surveyor tags and outstanding issues

KEY REGULATORY CHANGE

- CHOW: Directed HHSC to issue temporary licenses for new owners when a community is going through a CHOW.
- COVID: Provided hundreds of suggestions and edits to the state's emergency rules and regulations during the COVID-19 emergency.

EVENTS TO RAISE AWARENESS

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