

CHAPTER 175

H.B. No. 653

An Act relating to the establishment of a task force to study licensing standards for personal care homes.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. ESTABLISHMENT OF TASK FORCE ON PERSONAL CARE HOMES. (a) A task force to study current licensing standards for personal care homes is established.

(b) The task force shall study current licensing standards for personal care homes and recommend changes to the licensing standards to allow a more extensive range of appropriate facility types and to ensure the safety of the residents.

(c) The task force consists of thirteen members. The Texas Board of Human Resources, the Texas Board on Aging, the Texas Board of Health, and the Texas Board of Mental Health and Mental Retardation shall each appoint two members to the task force. The speaker of the house, the lieutenant governor, and the governor shall each appoint one member from a list of individuals nominated by professional associations of personal care providers. The governor shall appoint two members from the general public.

(d) The governor shall appoint the presiding officer of the task force from the membership. The members shall elect an assistant presiding officer from the members appointed by the Texas Board of Health.

(e) The Texas Department of Human Resources, the Texas Department on Aging, the Texas Department of Health, and the Texas Department of Mental Health and Mental Retardation shall pay the expenses of the task force and shall supply necessary personnel and supplies.

(f) Personal care provider members and public members shall serve without compensation, travel expenses, or state per diem.

SECTION 2. EXAMINATION OF PERSONAL CARE HOME LICENSING STANDARDS. (a) The task force shall study the needs of people presently living in personal care homes and shall consider at least the following factors:

- (1) the types of facilities that could serve as personal care homes;
- (2) the types of residents a personal care home could serve;
- (3) the types of services a personal care home should provide;
- (4) the types of personnel required to deliver services in a personal care home; and
- (5) the number of residents a personal care home should be allowed to serve.

(b) The task force shall complete the study not later than November 30, 1985. Not later than December 31, 1985, the task force shall prepare and submit a report to:

- (1) the Texas Department of Human Resources;
- (2) the Texas Department on Aging;
- (3) the Texas Department of Health;
- (4) the Texas Department of Mental Health and Mental Retardation;
- (5) the governor; and
- (6) the house committee on retirement and aging;
- (7) the Long-Term Care Coordinating Council for the Elderly.

(c) In the report, the task force shall make specific recommendations relating to necessary amendments to statutes or changes in agency rules.

SECTION 3. DEPARTMENT RESPONSIBILITY. (a) The recommendations of the task force are expected to be reflected in rules adopted as soon as possible by the Texas Department of Human Resources, Texas Department on Aging, Texas Department of Health, and Texas Department of Mental Health and Mental Retardation in accordance with the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

(b) Not later than January 1, 1987, each of the departments shall submit a report to the governor and to the house committee on retirement and aging that contains the text of any recommended rule change adopted or proposed by that department, any rule change recommended by the task force that the department did not adopt, and a statement of the reasons why that department did not adopt the recommended rule change.

SECTION 4. EXPIRATION. This Act expires August 31, 1987.

SECTION 5. APPOINTMENT OF MEMBERS. The members of the task force shall be appointed not later than September 10, 1985.

SECTION 6. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 11, 1985, by a non-record vote; House concurred in Senate amendments to H.B. No. 653 on May 17, 1985, by the following vote: Yeas 133, Nays 1, 1 present, not voting; passed by the Senate, with amendments, on May 15, 1985, by the following vote: Yeas 31, Nays 0.

Approved: May 24, 1985

Effective: Immediately