

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

SECTION 1. Subchapter C, Chapter 247, Health and Safety Code, as added by Senate Bill 404, Acts of the 72nd Legislature, Regular Session, 1991, is amended by adding Section 247.046 to read as follows:

Sec. 247.046. COOPERATION AMONG AGENCIES. The board, the Texas Department of Human Services, and the attorney general shall adopt by rule a memorandum of understanding that:

(1) defines each agency's responsibilities concerning personal care facilities and coordinates each agency's activities;

(2) details coordinated procedures to be used by each agency in responding to complaints relating to neglect or abuse of residents of facilities, to substandard facilities, and to unlicensed facilities;

(3) identifies enforcement needs each agency may have in order to perform its duties under the memorandum of understanding, including any need for access to information or to facilities under investigation or operating under a plan of correction; and

(4) provides a plan for correcting violations in substandard or unlicensed personal care facilities that specifies the conditions under which it is appropriate to impose such a plan and that outlines a schedule of implementation for the plan.

SECTION 2. 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 May 7, 1991: Yeas 145, Nays 0, 1 present, not voting; passed by the Senate on May 21, 1991: Yeas 31, Nays 0.

Approved June 5, 1991.

Effective June 5, 1991.

CHAPTER 350

H.B. No. 2004

AN ACT

relating to the licensing of certain hospitals.

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

SECTION 1. Section 241.026, Health and Safety Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) Upon the recommendation of the hospital licensing director and the council, the board by order may waive or modify the requirement of a particular provision of this Act or minimum standard adopted by board rule under this section to a particular special hospital or a particular general or special hospital serving a rural community if the board determines that the waiver or modification will facilitate the creation or operation of the hospital and that the waiver or modification is in the best interests of the individuals served or to be served by the hospital.

(d) The board shall adopt rules establishing procedures and criteria for the issuance of the waiver or modification order. The criteria must include at a minimum a statement of the appropriateness of the waiver or modification against the best interests of the individuals served by the hospital.

(e) If the board orders a waiver or modification of a provision or standard, the licensing record of the hospital granted the waiver or modification shall contain

documentation to support the board's action. The board's rules shall specify the type and specificity of the supporting documentation that must be included.

SECTION 2. 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 May 7, 1991: Yeas 145, Nays 0, 1 present, not voting; the House refused to concur in Senate amendments to H.B. No. 2004 on May 23, 1991, and requested the appointment of a conference committee to consider the differences between the two houses; the House adopted the conference committee report on H.B. No. 2004 on May 26, 1991, by a non-record vote; passed by the Senate, with amendments, on May 21, 1991: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; the Senate adopted the conference committee report on H.B. No. 2004 on May 27, 1991, by a viva-voce vote.

Approved June 5, 1991.

Effective August 26, 1991, 90 days after date of adjournment.

CHAPTER 351

H.B. No. 2068

AN ACT

relating to the use of the county general fund or officers' salary fund to purchase liability insurance for county officers and employees.

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

SECTION 1. Chapter 154, Local Government Code, is amended by adding Section 154.010 to read as follows:

Sec. 154.010. AUTHORITY TO PURCHASE LIABILITY INSURANCE FOR COUNTY OFFICERS AND EMPLOYEES. (a) A warrant may be drawn on either the general fund or salary fund to pay any insurance premium or self-insurance pool contribution for the purpose of providing insurance or other coverage for the liabilities of an official or employee of the county arising from the performance of an official duty or a duty of employment as authorized by Section 157.041 or Chapter 119, Local Government Code, or by Chapter 1084, Acts of the 70th Legislature, Regular Session, 1987 (Article 715c, Vernon's Texas Civil Statutes), or by The Interlocal Cooperation Act (Article 4413(92c), Vernon's Texas Civil Statutes).

(b) Subdivision (a) is applicable regardless of whether the commissioners court adopts an order in accordance with Section 154.007, Local Government Code.

SECTION 2. This Act takes effect September 1, 1991.

SECTION 3. 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.

Passed by the House on April 18, 1991, by a non-record vote; passed by the Senate on May 16, 1991: Yeas 31, Nays 0.

Approved June 5, 1991.

Effective September 1, 1991.