



COMMISSIONER  
Jon Weizenbaum

October 16, 2013

To: Assisted Living Facilities

Subject: **Provider Letter 13-39 – New Assisted Living Facility (ALF) Requirements in House Bill (HB) 424**

The purpose of this provider letter is to inform ALF managers of a new requirement mandated by the Texas Legislature. The 83rd Legislature (Regular Session, 2013) passed HB 424. HB 424 creates Chapter 325 of the Health and Safety Code, “Notice of Sex Offender Status to Residents of Group Home.”

Chapter 325 requires an ALF manager to perform a search of the Sex Offender Registry (found in the Texas Code of Criminal Procedure, Chapter 62) to determine if a prospective or new resident is listed on the registry. The manager must search the registry, as soon as practicable, after a person requests to live at the ALF or is assigned to live at the ALF as a condition of community supervision or as a condition of release on parole or mandatory supervision. If the ALF manager discovers that a potential resident is listed on the registry, the manager must notify the current ALF residents (including their legal guardians or legally authorized representatives) that the new resident is a registered sex offender within three days after the individual becomes a resident of the ALF.

Chapter 325 also requires the ALF manager to perform a registry search of each current ALF resident to determine if a current resident is listed on the registry. If a current resident is listed on the registry, the manager must notify the other ALF residents, including their legal guardians or legally authorized representatives, the registered sex offender resides at the facility. The manager must conclude the registry search by March 1, 2014.

An ALF manager is not required to comply with Chapter 325 if the ALF only accepts or is assigned residents who are sex offenders and who receive services at the ALF from licensed sex offender treatment providers.

The required Sex Offender Registry searches may be performed by consulting the sex offender database maintained on the Texas Department of Public Safety website. Chapter 325 became effective on September 1, 2013.

Provider Letter No 13-39

October 16, 2013

Page 2

If you have questions about the content of this letter, please contact a policy specialist in the Policy, Rules and Curriculum Development unit at (512) 438-3161.

Sincerely,

*[signature on file]*

Mary T. Henderson  
Assistant Commissioner  
Regulatory Services

MTH/cg