



COMMISSIONER
Jon Weizenbaum

March 14, 2016

To: Nursing Facilities (NFs)

Subject: Provider Letter 16-01 - NFs Required to Update Handgun Signs

Effective January 1, 2016, NFs must update their handgun signs to include handguns carried openly. This update is necessary to comply with Texas Government Code (TGC), Title 4, Chapter 411, §411.204, as amended by House Bill 910 (84th Texas Legislature, Regular Session, 2015).

Although the new amended statute was effective on January 1, 2016, DADS surveyors will not begin to survey for the new requirements until May 14, 2016.

TGC §411.204 formerly stated that a nursing home must prominently display, at each entrance, a sign that gives notice that it is unlawful for a person licensed under Chapter 411 to carry a *concealed handgun* on the premises. The section now states that a nursing home must prominently display, at each entrance, a sign that gives notice that it is unlawful for a person licensed under Chapter 411 to carry a *handgun* on the premises. The law does not differentiate between a concealed handgun and a handgun carried openly.

Texas Administrative Code (TAC), Title 40, Part 1, Chapter 19, [§19.1921\(e\)\(12\)](#) states that a NF must conspicuously and prominently post at each entrance to the facility, a sign that states that a person may not enter the premises with a concealed handgun and that the sign complies with TGC §411.204. The sign must be readily available to residents, employees and visitors.

Since 40 TAC §19.1921(e)(12) requires the sign to comply with TGC §411.204, **NFs must update their signs** to note that it is unlawful for a person to carry a handgun on the premises regardless of whether the handgun is concealed or not.

For NFs that wish to create their own signs, TGC §411.204(c) requires that the sign must give notice in both English and Spanish that it is unlawful for a person licensed under subchapter 411 to carry a handgun on the premises. The sign must appear in contrasting colors with block letters at least one inch in height.

DADS maintains preprinted handgun signs as a courtesy for nursing facilities. DADS has updated these signs to reflect the changes to Chapter 411 of the Texas Government Code. NFs may request preprinted handgun signs from the Regulatory Services Open Records unit at rs.recordsmgmt@dads.state.tx.us or (512) 438-2633.

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Please note that meeting the DADS requirement at 40 TAC §19.1921(e)(12) will only prevent surveyors from citing a nursing facility. However, according to Penal Code §46.035(b)(4), a license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun under the authority of Government Code, Chapter 411, regardless of whether the handgun is concealed, on or about the license holder's person on the premises of a licensed nursing home, unless the license holder has written authorization of the nursing home administration. If the facility wants to post a sign that will support a criminal prosecution for violation of §46.035(b)(4), the facility should consult its attorney or the Department of Public Safety.

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

Sincerely,

[signature on file]

Mary T. Henderson
Assistant Commissioner
Regulatory Services

MTH:cg