

By: Metcalf, Bonnen, Moody, Oliverson,  
et al.

H.B. No. 2211

Substitute the following for H.B. No. 2211:

By: Klick

C.S.H.B. No. 2211

A BILL TO BE ENTITLED

AN ACT

relating to in-person visitation with hospital patients during  
certain periods of disaster.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 241, Health and Safety  
Code, is amended by adding Section 241.012 to read as follows:

Sec. 241.012. IN-PERSON HOSPITAL VISITATION DURING PERIOD  
OF DISASTER. (a) In this section:

(1) "Hospital" means a hospital licensed under this  
chapter.

(2) "Qualifying official disaster order" means an  
order, proclamation, or other instrument issued by the governor,  
another official of this state, or the governing body or an official  
of a political subdivision of this state declaring a disaster that  
has infectious disease as the basis for the declared disaster.

(3) "Qualifying period of disaster" means the period  
of time the area in which a hospital is located is declared to be a  
disaster area by a qualifying official disaster order.

(b) A hospital may not during a qualifying period of  
disaster prohibit in-person visitation with a patient receiving  
care or treatment at the hospital unless federal law or a federal  
agency requires the hospital to prohibit in-person visitation  
during that period.

(c) Notwithstanding Subsection (b), a hospital may during a

1 qualifying period of disaster:

2 (1) restrict the number of visitors a patient  
3 receiving care or treatment at the hospital may receive to not fewer  
4 than one;

5 (2) require a visitor to the hospital to:

6 (A) complete a health screening before entering  
7 the hospital; and

8 (B) wear personal protective equipment at all  
9 times while visiting a patient at the hospital; and

10 (3) deny entry to or remove from the hospital's  
11 premises a visitor who fails or refuses to:

12 (A) submit to or meet the requirements of a  
13 health screening administered by the hospital; or

14 (B) wear personal protective equipment that  
15 meets the hospital's infection control and safety requirements in  
16 the manner prescribed by the hospital.

17 (d) A health screening administered by a hospital under this  
18 section must be conducted in a manner that, at a minimum, complies  
19 with:

20 (1) hospital policy; and

21 (2) if applicable, guidance or directives issued by  
22 the commission, the Centers for Medicare and Medicaid Services, or  
23 another agency with regulatory authority over the hospital.

24 (e) Notwithstanding any other law, neither a hospital nor a  
25 physician providing health care services on the hospital's premises  
26 is subject to civil or criminal liability or an administrative  
27 penalty if a visitor contracts an infectious disease while on the

1 hospital's premises during a qualifying period of disaster or, in  
2 connection with a visit to the hospital, spreads an infectious  
3 disease to any other individual, except where intentional  
4 misconduct or gross negligence by the hospital or the physician is  
5 shown. A physician who in good faith takes, or fails to take, an  
6 action under this section is not subject to civil or criminal  
7 liability or disciplinary action for the physician's action or  
8 failure to act under this section.

9 (f) This section may not be construed as requiring a  
10 hospital to:

11 (1) provide a specific type of personal protective  
12 equipment to a visitor to the hospital; or

13 (2) allow in-person visitation with a patient  
14 receiving care or treatment at the hospital if an attending  
15 physician determines that in-person visitation with that patient  
16 may lead to the transmission of an infectious agent that poses a  
17 serious community health risk.

18 (g) A determination made by an attending physician under  
19 Subsection (f)(2) is valid for not more than five days after the  
20 date the determination is made unless renewed by an attending  
21 physician.

22 (h) If a visitor to a hospital is denied in-person  
23 visitation with a patient receiving care or treatment at a hospital  
24 because of a determination made by an attending physician under  
25 Subsection (f)(2), the hospital shall:

26 (1) provide each day a written or oral update of the  
27 patient's condition to the visitor if the visitor:

1           (A) is authorized by the patient to receive  
2 relevant health information regarding the patient;

3           (B) has authority to receive the patient's health  
4 information under an advance directive or medical power of  
5 attorney; or

6           (C) is otherwise the patient's surrogate  
7 decision-maker regarding the patient's health care needs under  
8 hospital policy and other applicable law; and

9           (2) notify the person who receives the daily update  
10 required under Subdivision (1) of the estimated date and time at  
11 which the patient will be discharged from the hospital.

12           (i) In the event of a conflict between this section and any  
13 provision of a qualifying official disaster order, this section  
14 prevails.

15           SECTION 2. This Act takes effect September 1, 2021.