

By: Metcalf

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 a visitor who fails or refuses to:

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

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

16 (d) A health screening administered by a hospital under this
17 section must be conducted in a manner that is consistent with:

18 (1) hospital policy; and

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

22 (e) Notwithstanding any other law, a hospital is not subject
23 to civil or criminal liability or an administrative penalty if a
24 visitor contracts or spreads an infectious disease while on the
25 hospital's premises during a qualified period of disaster, except
26 where intentional misconduct or gross negligence by the hospital is
27 shown.

1 (f) This section may not be construed as requiring a
2 hospital to:

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

5 (2) allow in-person visitation with a patient
6 receiving care or treatment at the hospital if the patient's
7 attending physician determines that in-person visitation with that
8 patient may lead to the transmission of an infectious agent that
9 poses a serious community health risk.

10 (g) A determination made by a patient's attending physician
11 under Subsection (f)(2) is valid for not more than five days after
12 the date the determination is made unless renewed by the physician.

13 (h) If a visitor to a hospital is denied in-person
14 visitation with a patient receiving care or treatment at a hospital
15 because of a determination made by the patient's attending
16 physician under Subsection (f)(2), the hospital shall:

17 (1) provide each day a detailed update of the patient's
18 condition to the visitor, a family representative of the patient,
19 or the person who is the patient's agent regarding the patient's
20 condition under a power of attorney; and

21 (2) notify the person who receives the daily update
22 required under Subdivision (1) of the date and time at which the
23 patient will be discharged from the hospital.

24 (i) In the event of a conflict between this section and any
25 provision of a qualifying official disaster order, this section
26 prevails.

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