

By: Bucy, Oliverson, Walle

H.B. No. 3711

Substitute the following for H.B. No. 3711:

By: Klick

C.S.H.B. No. 3711

A BILL TO BE ENTITLED

1 AN ACT
2 relating to including medically fragile individuals in the Texas
3 Division of Emergency Management's emergency assistance registry
4 for wellness checks during certain emergencies.

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

6 SECTION 1. Chapter 418, Government Code, is amended by
7 adding Subchapter J to read as follows:

8 SUBCHAPTER J. WELLNESS CHECKS FOR MEDICALLY FRAGILE INDIVIDUALS
9 DURING CERTAIN EMERGENCIES

10 Sec. 418.301. DEFINITIONS. In this subchapter:

11 (1) "Commission" means the Health and Human Services
12 Commission.

13 (2) "Department" means the Department of State Health
14 Services.

15 (3) "Emergency assistance registry" means the
16 registry maintained by the division that provides local emergency
17 planners and emergency responders with additional information on
18 the needs of certain individuals in their communities.

19 (4) "First responder" means any federal, state, or
20 local personnel who may respond to a disaster, including:

21 (A) public health and public safety personnel;

22 (B) commissioned law enforcement personnel;

23 (C) fire protection personnel, including
24 volunteer firefighters;

1 (D) emergency medical services personnel,
2 including hospital emergency facility staff;

3 (E) a member of the National Guard; or

4 (F) a member of the Texas State Guard.

5 (5) "Medically fragile individual" means any
6 individual who, during a time of disaster or emergency, would be
7 particularly vulnerable because of a medical condition, including
8 individuals:

9 (A) with Alzheimer's disease and other related
10 disorders;

11 (B) receiving dialysis services;

12 (C) who are diagnosed with a debilitating chronic
13 illness;

14 (D) who are dependent on oxygen treatment; and

15 (E) who have medical conditions that require
16 24-hour supervision from a skilled nurse.

17 Sec. 418.302. MEDICALLY FRAGILE INDIVIDUAL DESIGNATION.

18 The division shall develop a process for designating individuals
19 who are included in the emergency assistance registry as medically
20 fragile for the purposes of this chapter.

21 Sec. 418.303. EMERGENCY ASSISTANCE REGISTRY ACCESS. The

22 division shall authorize the following persons to access the
23 emergency assistance registry to assist medically fragile
24 individuals during an event described by Section 418.305:

25 (1) the commission;

26 (2) the department;

27 (3) first responders;

1 (4) local governments; and

2 (5) local health departments.

3 Sec. 418.304. REQUIRED WELLNESS CHECK. The division shall
4 collaborate with the persons authorized to access the emergency
5 assistance registry under Section 418.303 and with applicable
6 municipalities and counties to ensure that a wellness check is
7 conducted on each medically fragile individual listed in the
8 emergency assistance registry and located in an area that
9 experiences an event described by Section 418.305 to ensure the
10 individual has:

11 (1) continuity of care; and

12 (2) the ability to continue using electrically powered
13 medical equipment, if applicable.

14 Sec. 418.305. EVENTS REQUIRING WELLNESS CHECKS. (a) The
15 division, in collaboration with the commission and the department,
16 shall adopt rules regarding which events require a wellness check,
17 including:

18 (1) an extended power, water, or gas outage;

19 (2) a state of disaster declared under this chapter;

20 or

21 (3) any other event considered necessary by the
22 commission, the department, or the division.

23 (b) If more than one disaster is declared for the same
24 event, or the same event qualifies as an event requiring a wellness
25 check for multiple reasons under Subsection (a), only one wellness
26 check is required to be conducted under this subchapter.

27 Sec. 418.306. REQUIREMENTS FOR WELLNESS CHECK. (a) The

1 division, in collaboration with the commission and the department,
2 by rule shall develop minimum standards for conducting wellness
3 checks. Each county and municipality shall adopt procedures for
4 conducting wellness checks in compliance with the minimum
5 standards.

6 (b) A wellness check on a medically fragile individual under
7 this subchapter must:

8 (1) include:

9 (A) an automated telephone call and text to the
10 individual;

11 (B) a personalized telephone call to the
12 individual; and

13 (C) if the individual is unresponsive to a
14 telephone call under Paragraph (B), an in-person wellness check;
15 and

16 (2) be conducted in accordance with the minimum
17 standards prescribed by division rule and the procedures of the
18 applicable county or municipality.

19 (c) A wellness check must be conducted as soon as
20 practicable but not later than 24 hours after the event requiring a
21 wellness check occurs.

22 Sec. 418.307. RULES. The division, in collaboration with
23 the commission and the department, shall adopt rules to implement
24 this subchapter.

25 SECTION 2. As soon as practicable after the effective date
26 of this Act, the Texas Division of Emergency Management shall adopt
27 the rules necessary to implement Subchapter J, Chapter 418,

1 Government Code, as added by this Act.

2 SECTION 3. This Act takes effect September 1, 2021.