

By: Springer, et al.
(White, Cain, Middleton)

S.B. No. 572

Substitute the following for S.B. No. 572:

By: Klick

C.S.S.B. No. 572

A BILL TO BE ENTITLED

1 AN ACT
2 relating to in-person visitation of religious counselors with
3 certain health care facility patients and residents during a public
4 health emergency.

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

6 SECTION 1. The purpose of Chapter 260C, Health and Safety
7 Code, as added by this Act, is to protect the religious liberty of
8 each patient or resident of a health care facility and to protect
9 health care facilities from costly lawsuits and administrative
10 complaints based on religious discrimination by allowing patients
11 and residents to receive in-person visitation with a religious
12 counselor, provided that the health care facilities ensure
13 compliance with health and safety requirements.

14 SECTION 2. Subtitle B, Title 4, Health and Safety Code, is
15 amended by adding Chapter 260C to read as follows:

16 CHAPTER 260C. IN-PERSON VISITATION WITH RELIGIOUS COUNSELOR

17 Sec. 260C.001. DEFINITIONS. In this chapter:

18 (1) "Health care facility" means:

19 (A) a home and community support services agency
20 licensed under Chapter 142;

21 (B) a hospital licensed under Chapter 241;

22 (C) a nursing facility licensed under Chapter
23 242;

24 (D) a continuing care facility regulated under

1 Chapter 246;

2 (E) an assisted living facility licensed under

3 Chapter 247; or

4 (F) a special care facility licensed under

5 Chapter 248.

6 (2) "Public health emergency" means:

7 (A) a state of disaster or local disaster

8 declared under Chapter 418, Government Code; or

9 (B) a public health disaster as defined by

10 Section 81.003.

11 (3) "Religious counselor" means an individual acting

12 substantially in a pastoral or religious capacity to provide

13 spiritual counsel to other individuals.

14 Sec. 260C.002. IN-PERSON VISITATION WITH RELIGIOUS

15 COUNSELOR. (a) A health care facility may not prohibit a resident or

16 patient of the facility from receiving in-person visitation with a

17 religious counselor on the patient's or resident's request during a

18 public health emergency.

19 (b) Notwithstanding Subsection (a), the executive

20 commissioner by rule shall develop guidelines to assist health care

21 facilities in establishing in-person religious counselor

22 visitation policies and procedures. The guidelines must:

23 (1) establish minimum health and safety requirements

24 for in-person visitation with religious counselors;

25 (2) allow health care facilities to adopt reasonable

26 time, place, and manner restrictions on in-person visitation with

27 religious counselors to:

1 (A) mitigate the spread of a communicable
2 disease; and

3 (B) address the patient's or resident's medical
4 condition; and

5 (3) provide special consideration to patients and
6 residents who are receiving end-of-life care.

7 (c) A health care facility may prohibit in-person
8 visitation with a religious counselor during a public health
9 emergency if federal law or a federal agency requires the health
10 care facility to prohibit in-person visitation during that period.

11 SECTION 3. As soon as practicable after the effective date
12 of this Act, the executive commissioner of the Health and Human
13 Services Commission by rule shall establish the guidelines required
14 by Section 260C.002, Health and Safety Code, as added by this Act.

15 SECTION 4. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2021.