

By: Alonzo

H.B. No. 242

A BILL TO BE ENTITLED

AN ACT

relating to a personal identification device provided to residents of certain institutions and assisted living facilities.

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

SECTION 1. Subchapter K, Chapter 242, Health and Safety Code, is amended by adding Section 242.405 to read as follows:

Sec. 242.405. PERSONAL IDENTIFICATION FOR RESIDENTS. (a)

The department, with the assistance of a physician or another health care provider experienced with the use of personal identification devices, by rule shall specify a distinctive standard design for a necklace and a bracelet personal identification device to be provided to each resident. The department shall also specify by rule:

(1) the type of information to be contained on the device so that each resident may be easily identified; and

(2) the format and font style of the information.

(b) Not later than the 15th day after the date a resident has entered an institution on a full-time basis, the institution shall provide to the resident a personal identification device personalized for the resident.

(c) The department shall ensure that rules adopted under this section comply with the privacy rule of the Administrative Simplification subtitle of the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191) contained in 45

1 C.F.R. Part 160 and 45 C.F.R. Part 164, Subparts A and E.

2 SECTION 2. Subchapter D, Chapter 247, Health and Safety
3 Code, is amended by adding Section 247.070 to read as follows:

4 Sec. 247.070. PERSONAL IDENTIFICATION FOR RESIDENTS. (a)

5 The department, with the assistance of a physician or another
6 health care provider experienced with the use of personal
7 identification devices, by rule shall specify a distinctive
8 standard design for a necklace and a bracelet personal
9 identification device to be provided to each resident of an
10 assisted living facility. The department shall also specify:

11 (1) the type of information to be contained on the
12 device so that each resident of an assisted living facility may be
13 easily identified; and

14 (2) the format and font style of the information.

15 (b) Not later than the 15th day after the date a resident has
16 entered an assisted living facility on a full-time basis, the
17 assisted living facility shall provide to the resident a personal
18 identification device personalized for the resident.

19 (c) The department shall ensure that rules adopted under
20 this section comply with the privacy rule of the Administrative
21 Simplification subtitle of the Health Insurance Portability and
22 Accountability Act of 1996 (Pub. L. No. 104-191) contained in 45
23 C.F.R. Part 160 and 45 C.F.R. Part 164, Subparts A and E.

24 SECTION 3. (a) Not later than December 1, 2009, the
25 executive commissioner of the Health and Human Services Commission
26 shall adopt the rules necessary to implement the changes in law made
27 by this Act to Chapters 242 and 247, Health and Safety Code.

1 (b) An institution as defined by Section 242.002, Health and
2 Safety Code, and an assisted living facility as defined by Section
3 247.002, Health and Safety Code, must provide a personalized
4 personal identification device developed in accordance with
5 Sections 242.405 and 247.070, Health and Safety Code, as added by
6 this Act, to each resident not later than March 1, 2010.

7 SECTION 4. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2009.