

By: Deuell
(Naishtat)

S.B. No. 1842

A BILL TO BE ENTITLED

AN ACT

relating to restraint and seclusion procedures and reporting at certain facilities.

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

SECTION 1. Section 322.052, Health and Safety Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The rules must:

(1) authorize a registered nurse, other than the nurse who initiated the use of restraint or seclusion, who is trained to assess medical and psychiatric stability with demonstrated competence as required by rule to conduct a face-to-face evaluation of a patient in a hospital or facility licensed under Chapter 241 or 577 or in a state mental hospital, as defined by Section 571.003, not later than one hour after the time the use of restraint or seclusion is initiated; and

(2) require a physician to conduct a face-to-face evaluation of a patient in a hospital or facility licensed under Chapter 241 or 577 or in a state mental hospital, as defined by Section 571.003, and document clinical justification for continuing the restraint or seclusion before issuing or renewing an order that continues the use of the restraint or seclusion.

SECTION 2. Subchapter B, Chapter 322, Health and Safety Code, is amended by adding Section 322.056 to read as follows:

Sec. 322.056. REPORTING REQUIREMENT. A facility shall file

1 with the Department of State Health Services a quarterly report
2 regarding hospital-based inpatient psychiatric services measures
3 related to the use of restraint and seclusion that is required by
4 the federal Centers for Medicare and Medicaid Services.

5 SECTION 3. Not later than January 1, 2014, the executive
6 commissioner of the Health and Human Services Commission shall
7 adopt rules as required by Subsection (b-1), Section 322.052,
8 Health and Safety Code, as added by this Act.

9 SECTION 4. A facility is not required to comply with the
10 reporting requirements under Section 322.056, Health and Safety
11 Code, as added by this Act, before January 1, 2014.

12 SECTION 5. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2013.