

By: Naishtat

H.B. No. 1337

A BILL TO BE ENTITLED

AN ACT

relating to requiring institutions and assisted living facilities to maintain guardianship orders of residents.

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

SECTION 1. Subchapter A, Chapter 242, Health and Safety Code, is amended by adding Section 242.019 to read as follows:

Sec. 242.019. GUARDIANSHIP ORDERS. An institution shall make a reasonable effort to request a copy of any court order appointing a guardian of a resident or a resident's estate from the resident's nearest relative or the person responsible for the resident's support. An institution that receives a copy of a court order appointing a guardian of a resident or a resident's estate shall maintain a copy of the court order in the resident's medical records.

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

Sec. 247.070. GUARDIANSHIP ORDERS. An assisted living facility shall make a reasonable effort to request a copy of any court order appointing a guardian of a resident or a resident's estate from the resident's nearest relative or the person responsible for the resident's support. An assisted living facility that receives a copy of a court order appointing a guardian of a resident or a resident's estate shall maintain a copy of the court order in the resident's medical records.

SECTION 3. Section 260A.007(e), Health and Safety Code, is amended to read as follows:

(e) In investigating the report of abuse, neglect, exploitation, or other complaint, the investigator for the department shall:

(1) make an unannounced visit to the facility to determine the nature and cause of the alleged abuse, neglect, or exploitation of the resident;

(2) interview each available witness, including the resident who suffered the alleged abuse, neglect, or exploitation if the resident is able to communicate or another resident or other witness identified by any source as having personal knowledge relevant to the report of abuse, neglect, exploitation, or other complaint;

(3) personally inspect any physical circumstance that is relevant and material to the report of abuse, neglect, exploitation, or other complaint and that may be objectively observed;

(4) make a photographic record of any injury to a resident, subject to Subsection (n); ~~and~~

(5) write an investigation report that includes:

(A) the investigator's personal observations;

(B) a review of relevant documents and records;

(C) a summary of each witness statement, including the statement of the resident that suffered the alleged abuse, neglect, or exploitation and any other resident interviewed in the investigation; and

1 (D) a statement of the factual basis for the
2 findings for each incident or problem alleged in the report or other
3 allegation; and

4 (6) for a resident of an institution or assisted
5 living facility, inspect any court order appointing a guardian of
6 the resident who was the subject of the alleged abuse, neglect, or
7 exploitation that is maintained in the resident's medical records
8 under Section 242.019 or 247.070.

9 SECTION 4. (a) An institution is not required to comply
10 with Section 242.019, Health and Safety Code, as added by this Act,
11 before January 1, 2016.

12 (b) An assisted living facility is not required to comply
13 with Section 247.070, Health and Safety Code, as added by this Act,
14 before January 1, 2016.

15 SECTION 5. This Act takes effect September 1, 2015.