

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
maintain a copy of any court order appointing a guardian of a
resident or a resident's estate 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 maintain a copy of any court order appointing a
guardian of a resident or a resident's estate 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

1 resident who suffered the alleged abuse, neglect, or exploitation
2 if the resident is able to communicate or another resident or other
3 witness identified by any source as having personal knowledge
4 relevant to the report of abuse, neglect, exploitation, or other
5 complaint;

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

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

12 (5) write an investigation report that includes:

13 (A) the investigator's personal observations;

14 (B) a review of relevant documents and records;

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

19 (D) a statement of the factual basis for the
20 findings for each incident or problem alleged in the report or other
21 allegation; and

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

27 SECTION 4. (a) An institution is not required to comply

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1 with Section 242.019, Health and Safety Code, as added by this Act,
2 before January 1, 2016.

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

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