

By: Herrero

H.B. No. 3755

A BILL TO BE ENTITLED

AN ACT

relating to administration of medication to residents of certain assisted living and boarding home facilities.

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

SECTION 1. Subchapter B, Chapter 247, Health and Safety Code, is amended by adding Section 247.0256 to read as follows:

Sec. 247.0256. MEDICATION ADMINISTRATION ASSISTANCE. (a)

Notwithstanding any other provision or rule, a resident who needs assistance with medication administration may authorize a family member or another person who is not an employee of the assisted living facility to:

(1) administer the resident's medications; or

(2) supervise or assist with the resident's medication administration.

(b) An authorization under this section must be in writing and be signed by:

(1) the resident;

(2) the person assuming responsibility for:

(A) administration of medication; or

(B) supervision of or assistance with the administration of medication; and

(3) a representative of the assisted living facility.

(c) An assisted living facility that is party to an agreement under this section is not liable for any damages caused

1 by:

2 (1) improper administration of medication;

3 (2) improper supervision of or assistance with
4 administration of medication;

5 (3) failure to administer medication; or

6 (4) failure to supervise or assist with the
7 administration of medication.

8 (d) The agreement under this section may be terminated at
9 any time by the resident communicating to the assisted living
10 facility that the resident wishes to terminate the agreement. On
11 termination of the agreement, the facility shall reassume any
12 applicable duties with respect to the resident's medication.

13 SECTION 2. Chapter 260, Health and Safety Code, is amended
14 by adding Section 260.0031 to read as follows:

15 Sec. 260.0031. MEDICATION ADMINISTRATION ASSISTANCE. (a)
16 Notwithstanding any other provision or rule, a resident who needs
17 assistance with self-administering medication may authorize a
18 family member or another person who is not an employee of the
19 boarding home facility to provide that assistance.

20 (b) An authorization under this section must be in writing
21 and be signed by:

22 (1) the resident;

23 (2) the person assuming responsibility for assistance
24 with self-administering medication; and

25 (3) a representative of the boarding home facility.

26 (c) A boarding home facility that is party to an agreement
27 under this section is not liable for any damages caused by:

1 (1) improper assistance with self-administering
2 medication; or

3 (2) failure to provide assistance with
4 self-administering medication.

5 (d) The agreement under this section may be terminated at
6 any time by the resident communicating to the boarding home
7 facility that the resident wishes to terminate the agreement. On
8 termination of the agreement, the facility shall reassume providing
9 assistance with self-administering medication.

10 SECTION 3. The executive commissioner of the Health and
11 Human Services Commission may adopt forms for use in an agreement
12 under Section 247.0256 or 260.0031, Health and Safety Code, as
13 added by this Act.

14 SECTION 4. This Act takes effect September 1, 2015.