

By: Springer

H.B. No. 284

A BILL TO BE ENTITLED

AN ACT

relating to authorization for certain health care facilities to secure residents with wheelchair self-release seat belts.

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

SECTION 1. Subchapter B, Chapter 322, Health and Safety Code, is amended by adding Section 322.0515 to read as follows:

Sec. 322.0515. AUTHORIZATION FOR WHEELCHAIR SELF-RELEASE SEAT BELT USE. (a) Notwithstanding Section 322.051 and after receipt by a facility of a written authorization signed by a resident or the resident's legal guardian for the resident to use a wheelchair self-release seat belt, the facility shall allow the resident to use a wheelchair self-release seat belt while the resident is in the resident's wheelchair, subject to Subsection (b).

(b) A facility may not authorize the use of a wheelchair self-release seat belt under Subsection (a) unless:

(1) the resident demonstrates the ability to self-release and fasten the seat belt without assistance; and

(2) the use of the wheelchair self-release seat belt complies with the resident's plan of care.

SECTION 2. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or

1 authorization and may delay implementing that provision until the  
2 waiver or authorization is granted.

3       SECTION 3. As soon as practicable after the effective date  
4 of this Act but not later than January 1, 2018, the executive  
5 commissioner of the Health and Human Services Commission shall  
6 adopt rules necessary to implement this Act.

7       SECTION 4. Section 322.0515, Health and Safety Code, as  
8 added by this Act, applies only to the use of a wheelchair  
9 self-release seat belt occurring on or after January 1, 2018. Use of  
10 a wheelchair self-release seat belt occurring before that date is  
11 governed by the law in effect immediately before the effective date  
12 of this Act, and that law is continued in effect for that purpose.

13       SECTION 5. This Act takes effect September 1, 2017.