

# SENATE AMENDMENTS

## 2<sup>nd</sup> Printing

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 USE OF WHEELCHAIR SELF-RELEASE SEAT BELT. Notwithstanding Section 322.051, a facility shall allow a resident to use a wheelchair self-release seat belt while the resident is in the resident's wheelchair if:

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

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

(3) the facility receives written authorization signed by the resident or the resident's legal guardian for the resident to use the wheelchair self-release seat belt.

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

SECTION 3. As soon as practicable after the effective date

1 of this Act but not later than January 1, 2018, the executive  
2 commissioner of the Health and Human Services Commission shall  
3 adopt rules necessary to implement this Act.

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

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

ADOPTED

MAY 22 2017

*Lataj Spaw*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *D. Bucking*

Amend H.B. No. 284 (senate committee report) in SECTION 1 of the bill as follows:

(1) In the heading for added Section 322.0515, Health and Safety Code (page 1, line 25), between "BELT" and the underlined period, insert "; EXCEPTION".

(2) In added Section 322.0515, Health and Safety Code (page 1, line 25), strike "Notwithstanding" and substitute "(a) Except as provided by Subsection (b) and notwithstanding".

(3) Immediately after added Section 322.0515, Health and Safety Code (page 1, between lines 34 and 35), insert the following:

(b) A facility that advertises as a restraint-free facility is not required to comply with Subsection (a) if the facility:

(1) provides to current and prospective residents a written disclosure stating the facility is restraint-free and is not required to comply with a request under Subsection (a); and

(2) makes all reasonable efforts to accommodate the concerns of a resident who requests a seat belt under Subsection (a).

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 22, 2017**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB284** by Springer (Relating to authorization for certain health care facilities to secure residents with wheelchair self-release seat belts.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend Chapter 322 of the Health and Safety Code to require certain health care facilities to allow a resident to use a self-release wheelchair seat belt in certain circumstances. The bill would also require a facility that advertises as a restraint-free facility to provide a written disclosure to current and prospective residents stating that the facility is restraint-free and not required to comply with a request for a seat belt, and to make all reasonable efforts to accommodate the concerns of a resident who requests a seat belt. The bill would require the Executive Commissioner of the Health and Human Services Commission (HHSC) to adopt rules necessary to implement the provisions of the bill. HHSC indicates it could absorb the costs associated with the bill within its current resources. The bill would take effect on September 1, 2017.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 529 Health and Human Services Commission

**LBB Staff:** UP, KCA, EP, MDI

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 11, 2017**

**TO:** Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB284** by Springer (Relating to authorization for certain health care facilities to secure residents with wheelchair self-release seat belts.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend Chapter 322 of the Health and Safety Code to authorize certain health care facilities to secure a resident with a self-release wheelchair safety belt if the resident or the resident's legal guardian provides written consent. The Health and Human Services Commission indicates it could absorb the costs associated with the bill within its current resources. The bill would take effect on September 1, 2017.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 529 Health and Human Services Commission

**LBB Staff:** UP, KCA, EP, MDI

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**March 20, 2017**

**TO:** Honorable Richard Peña Raymond, Chair, House Committee on Human Services

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB284** by Springer (Relating to authorization for certain health care facilities to secure residents with wheelchair self-release seat belts.), **Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend Chapter 322 of the Health and Safety Code to authorize certain health care facilities to secure a resident with a self-release wheelchair safety belt if the resident or the resident's legal guardian provides written consent. The Health and Human Services Commission indicates it could absorb the costs associated with the bill within its current resources. The bill would take effect on September 1, 2017.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 529 Health and Human Services Commission

**LBB Staff:** UP, KCA, EP, MDI

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**March 3, 2017**

**TO:** Honorable Richard Peña Raymond, Chair, House Committee on Human Services

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB284** by Springer (Relating to authorization for certain health care facilities to secure residents with wheelchair self-release seat belts.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Chapter 322 of the Health and Safety Code to authorize certain health care facilities to secure a resident with a self-release wheelchair safety belt if the resident or the resident's legal guardian provides written consent. The Health and Human Services Commission indicates it could absorb the costs associated with the bill within its current resources. The bill would take effect on September 1, 2017.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 529 Health and Human Services Commission

**LBB Staff:** UP, KCA, EP, MDI