

House Bill 284
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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.

SENATE VERSION (IE)

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;
EXCEPTION. (a) Except as provided by Subsection (b) and 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: [FA1(1)-(2)]

- (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.
 - (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).
- [FA1(3)]

SECTION 2. Same as House version.

CONFERENCE

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HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

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

SECTION 3. Same as House version.

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

SECTION 4. Same as House version.

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

SECTION 5. Same as House version.