

BILL ANALYSIS

H.B. 2873
By: Davis, Yvonne
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There is growing concern regarding the safety of individuals with Alzheimer's disease or dementia who reside in the same room at a health care or correctional facility with an individual with mental illness and a history of violence. H.B. 2873 seeks to address this concern by prohibiting a person with Alzheimer's disease or dementia from being required to reside in the same room as a resident with mental illness and a history of violence in either such facility.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTIONS 1 and 4 of this bill and the Commission on Jail Standards in SECTIONS 3 and 4 of this bill.

ANALYSIS

H.B. 2873 amends the Health and Safety Code to require the executive commissioner of the Health and Human Services Commission (HHSC) by rule to prohibit a licensed health care facility from requiring a resident with Alzheimer's disease or dementia to reside in the same room as a resident with mental illness and a history of violence. The bill subjects a facility that violates such a rule to disciplinary action by HHSC as if the facility violated an applicable licensing law.

H.B. 2873 amends the Government Code to require the Texas Department of Criminal Justice (TDCJ) to ensure that a person with Alzheimer's disease or dementia who is in the custody of a jail or other correctional facility operated by or under contract with TDCJ does not reside in the same room with an individual with mental illness and a history of violence. The bill requires the Commission on Jail Standards to adopt rules prohibiting a correctional facility from requiring an inmate with Alzheimer's disease or dementia to reside in the same room as an inmate with mental illness and a history of violence.

EFFECTIVE DATE

September 1, 2019.