

By: Davis of Dallas

H.B. No. 2873

A BILL TO BE ENTITLED

AN ACT

relating to the room placement of individuals with Alzheimer's disease or dementia in health care facilities and correctional facilities.

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

SECTION 1. Chapter 222, Health and Safety Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. REGULATION OF HEALTH CARE FACILITIES SERVICING

RESIDENTS WITH ALZHEIMER'S DISEASE OR DEMENTIA

Sec. 222.101. DEFINITIONS. In this subchapter:

(1) "Commission" means the Health and Human Services Commission.

(2) "Executive commissioner" means the executive commissioner of the commission.

(3) "Health care facility" means a health care facility licensed by the commission.

(4) "Resident" means an individual who resides in a health care facility.

Sec. 222.102. PLACEMENT OF CERTAIN RESIDENTS. The executive commissioner by rule shall prohibit a 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.

Sec. 222.103. DISCIPLINARY ACTION. A health care facility

1 that violates this subchapter or a rule adopted under this
2 subchapter is subject to disciplinary action by the commission as
3 if the facility violated an applicable licensing law.

4 SECTION 2. Chapter 493, Government Code, is amended by
5 adding Section 493.032 to read as follows:

6 Sec. 493.032. PLACEMENT OF PERSONS WITH ALZHEIMER'S DISEASE
7 OR DEMENTIA. The department shall ensure that a person with
8 Alzheimer's disease or dementia who is in the custody of a jail or
9 other correctional facility operated by or under contract with the
10 department does not reside in the same room with an individual with
11 mental illness and a history of violence.

12 SECTION 3. Chapter 511, Government Code, is amended by
13 adding Section 511.022 to read as follows:

14 Sec. 511.022. PLACEMENT OF INMATES WITH ALZHEIMER'S DISEASE
15 OR DEMENTIA. The commission shall adopt rules prohibiting a
16 correctional facility from requiring an inmate with Alzheimer's
17 disease or dementia to reside in the same room as an inmate with
18 mental illness and a history of violence.

19 SECTION 4. As soon as practicable after the effective date
20 of this Act, the executive commissioner of the Health and Human
21 Services Commission and the Commission on Jail Standards shall
22 adopt rules necessary to implement the changes in law made by this
23 Act.

24 SECTION 5. This Act takes effect September 1, 2019.