

## **BILL ANALYSIS**

Senate Research Center

S.B. 572  
By: Springer  
State Affairs  
6/1/2021  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 572 amends current law relating to in-person visitation of religious counselors with certain health care facility patients and residents during a public health emergency.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 (Section 260C.002, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Provides that the purpose of Chapter 260C, Health and Safety Code, as added by this Act, is to protect the religious liberty of each patient or resident of a health care facility and to protect health care facilities from costly lawsuits and administrative complaints based on religious discrimination by allowing patients and residents to receive in-person visitation with a religious counselor, provided that the health care facilities ensure compliance with health and safety requirements.

SECTION 2. Amends Subtitle B, Title 4, Health and Safety Code, by adding Chapter 260C, as follows:

#### **CHAPTER 260C. IN-PERSON VISITATION WITH RELIGIOUS COUNSELOR**

Sec. 260C.001. DEFINITIONS. Defines "health care facility," "public health emergency," and "religious counselor."

Sec. 260C.002. IN-PERSON VISITATION WITH RELIGIOUS COUNSELOR. (a) Prohibits a health care facility from prohibiting a resident or patient of the facility from receiving in-person visitation with a religious counselor during a public health emergency on the request of the patient or resident or, if the patient or resident is incapacitated, the patient's or resident's legally authorized representative, including a family member of the patient or resident.

(b) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner), notwithstanding Subsection (a), by rule to develop guidelines to assist health care facilities in establishing in-person religious counselor visitation policies and procedures. Requires that the guidelines:

(1) establish minimum health and safety requirements for in-person visitation with religious counselors;

(2) allow health care facilities to adopt reasonable time, place, and manner restrictions on in-person visitation with religious counselors to mitigate the spread of a communicable disease and to address the patient's or resident's medical condition;

(3) provide special consideration to patients and residents who are receiving end-of-life care; and

(4) allow health care facilities to condition in-person visitation with religious counselors on the counselor's compliance with guidelines, policies, and procedures established under this subsection.

(c) Authorizes a health care facility to prohibit in-person visitation with a religious counselor during a public health emergency if federal law or a federal agency requires the health care facility to prohibit in-person visitation during that period.

SECTION 3. Requires the executive commissioner, as soon as practicable after the effective date of this Act, by rule to establish the guidelines required by Section 260C.002, Health and Safety Code, as added by this Act.

SECTION 4. Effective date: upon passage or September 1, 2021.