87R2070 SRA-D

By:  Frank H.B. No. 892

A BILL TO BE ENTITLED

AN ACT

relating to the right of certain facility residents to designate an essential caregiver for in-person visitation.

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

SECTION 1.  Subtitle B, Title 4, Health and Safety Code, is amended by adding Chapter 260B to read as follows:

CHAPTER 260B. RIGHT TO ESSENTIAL CAREGIVER VISITS FOR CERTAIN FACILITY RESIDENTS

Sec. 260B.0001.  DEFINITIONS. In this chapter:

(1)  "Essential caregiver" means a family member, friend, or other individual selected by a facility resident for in-person visits.

(2)  "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(3)  "Facility" means:

(A)  a nursing facility licensed under Chapter 242; or

(B)  an assisted living facility licensed under Chapter 247.

(4)  "Resident" means an individual, including a patient, who resides in a facility.

Sec. 260B.0002.  RESIDENT'S RIGHT TO ESSENTIAL CAREGIVER VISITS. (a) A facility resident has the right to designate at least one essential caregiver with whom the facility may not prohibit in-person visitation.

(b)  Notwithstanding Subsection (a), the executive commissioner by rule shall develop guidelines to assist facilities in establishing essential caregiver visitation policies and procedures. The guidelines must require the facilities to:

(1)  allow residents to designate for in-person visitation at least one essential caregiver, and more than one if needed;

(2)  establish a visitation schedule allowing the essential caregiver to visit the resident for the greater of two hours each day or the hours necessary for the caregiver to complete all caregiving tasks;

(3)  establish procedures to enable personal contact between the resident and essential caregiver while requiring social distancing between the caregiver and facility staff;

(4)  obtain a signed acknowledgment from the essential caregiver in which the caregiver agrees to follow the facility's safety protocols, including:

(A)  wearing personal protective equipment while visiting the resident;

(B)  completing a health screening before entering the facility;

(C)  submitting to regular viral testing; and

(D)  monitoring symptoms, practicing social distancing, and limiting contact with individuals outside of the facility; and

(5)  establish a visitor's log for contact tracing.

(c)  In the event of a conflict between this section and any other law, this section prevails.

SECTION 2.  Chapter 555, Health and Safety Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. RIGHT TO ESSENTIAL CAREGIVER VISITS

Sec. 555.201.  DEFINITION. In this chapter, "essential caregiver" means a family member, friend, or other individual selected by a resident for in-person visits.

Sec. 555.202.  RESIDENT'S RIGHT TO ESSENTIAL CAREGIVER VISITS. (a) A resident of a state supported living center has the right to designate at least one essential caregiver with whom the center may not prohibit in-person visitation.

(b)  Notwithstanding Subsection (a), the executive commissioner by rule shall develop guidelines to assist state supported living centers in establishing essential caregiver visitation policies and procedures. The guidelines must require the centers to:

(1)  allow residents to designate for in-person visitation at least one essential caregiver, and more than one if needed;

(2)  establish a visitation schedule allowing the essential caregiver to visit the resident for the greater of two hours each day or the hours necessary for the caregiver to complete all caregiving tasks;

(3)  establish procedures to enable personal contact between the resident and essential caregiver while requiring social distancing between the caregiver and center staff;

(4)  obtain a signed acknowledgement from the essential caregiver in which the caregiver agrees to follow the center's safety protocols, including:

(A)  wearing personal protective equipment while visiting the resident;

(B)  completing a health screening before entering the center;

(C)  submitting to regular viral testing; and

(D)  monitoring symptoms, practicing social distancing, and limiting contact with individuals outside of the center; and

(5)  establish a visitor's log for contact tracing.

(c)  In the event of a conflict between this section and any other law, this section prevails.

SECTION 3.  As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall establish the guidelines required by Sections 260B.0002 and 555.202, Health and Safety Code, as added by this Act.

SECTION 4.  This Act takes effect September 1, 2021.