87R8830 SRA-D

By:  Metcalf H.B. No. 2211

A BILL TO BE ENTITLED

AN ACT

relating to in-person visitation with hospital patients during certain periods of disaster.

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

SECTION 1.  Subchapter A, Chapter 241, Health and Safety Code, is amended by adding Section 241.012 to read as follows:

Sec. 241.012.  IN-PERSON HOSPITAL VISITATION DURING PERIOD OF DISASTER. (a) In this section:

(1)  "Hospital" means a hospital licensed under this chapter.

(2)  "Qualifying official disaster order" means an order, proclamation, or other instrument issued by the governor, another official of this state, or the governing body or an official of a political subdivision of this state declaring a disaster that has infectious disease as the basis for the declared disaster.

(3)  "Qualifying period of disaster" means the period of time the area in which a hospital is located is declared to be a disaster area by a qualifying official disaster order.

(b)  A hospital may not during a qualifying period of disaster prohibit in-person visitation with a patient receiving care or treatment at the hospital unless federal law or a federal agency requires the hospital to prohibit in-person visitation during that period.

(c)  Notwithstanding Subsection (b), a hospital may during a qualifying period of disaster:

(1)  restrict the number of visitors a patient receiving care or treatment at the hospital may receive to not fewer than one;

(2)  require a visitor to the hospital to:

(A)  complete a health screening before entering the hospital; and

(B)  wear personal protective equipment at all times while visiting a patient at the hospital; and

(3)  deny entry to a visitor who fails or refuses to:

(A)  submit to or meet the requirements of a health screening administered by the hospital; or

(B)  wear personal protective equipment that meets the hospital's infection control and safety requirements in the manner prescribed by the hospital.

(d)  A health screening administered by a hospital under this section must be conducted in a manner that is consistent with:

(1)  hospital policy; and

(2)  if applicable, guidance or directives issued by the commission, the Centers for Medicare and Medicaid Services, or another agency with regulatory authority over the hospital.

(e)  Notwithstanding any other law, a hospital is not subject to civil or criminal liability or an administrative penalty if a visitor contracts or spreads an infectious disease while on the hospital's premises during a qualified period of disaster, except where intentional misconduct or gross negligence by the hospital is shown.

(f)  This section may not be construed as requiring a hospital to:

(1)  provide a specific type of personal protective equipment to a visitor to the hospital; or

(2)  allow in-person visitation with a patient receiving care or treatment at the hospital if the patient's attending physician determines that in-person visitation with that patient may lead to the transmission of an infectious agent that poses a serious community health risk.

(g)  A determination made by a patient's attending physician under Subsection (f)(2) is valid for not more than five days after the date the determination is made unless renewed by the physician.

(h)  If a visitor to a hospital is denied in-person visitation with a patient receiving care or treatment at a hospital because of a determination made by the patient's attending physician under Subsection (f)(2), the hospital shall:

(1)  provide each day a detailed update of the patient's condition to the visitor, a family representative of the patient, or the person who is the patient's agent regarding the patient's condition under a power of attorney; and

(2)  notify the person who receives the daily update required under Subdivision (1) of the date and time at which the patient will be discharged from the hospital.

(i)  In the event of a conflict between this section and any provision of a qualifying official disaster order, this section prevails.

SECTION 2.  This Act takes effect September 1, 2021.