87R9994 EAS-D

By:  Campos H.B. No. 2770

A BILL TO BE ENTITLED

AN ACT

relating to restrictions on the admission of and care provided to individuals by certain nursing facilities during a public health emergency.

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

SECTION 1.  Subchapter K, Chapter 242, Health and Safety Code, is amended by adding Section 242.405 to read as follows:

Sec. 242.405.  ADMISSION AND PROVISION OF CARE RESTRICTIONS FOR CERTAIN NURSING FACILITIES DURING PUBLIC HEALTH EMERGENCY. (a) In this section:

(1)  "COVID-19" means the 2019 novel coronavirus disease.

(2)  "Pandemic disease" means an infectious disease that spreads to a significant portion of the population of a country, multiple countries, or the world and that poses a substantial risk of a significant number of human fatalities, illnesses, or permanent long-term disabilities. The term includes COVID-19.

(3)  "Public health emergency" means a public health disaster declared under Chapter 81 or a state of disaster declared under Chapter 418, Government Code, related to public health.

(4)  "Rating system" means the Centers for Medicare and Medicaid Services five-star quality rating system for nursing facilities.

(b)  This section applies only to a nursing facility that:

(1)  is located in a county with a population of 100,000 or more; and

(2)  holds a rating of one or two stars under the rating system.

(c)  During a declared public health emergency based on a pandemic disease, a nursing facility subject to this section may admit an individual as a resident only if, on the day of admission or immediately after admission, the individual tests negative on a test for that pandemic disease.

(d)  If, during a declared public health emergency based on a pandemic disease, a resident of a nursing facility subject to this section tests positive for that pandemic disease, the nursing facility shall, as soon as practicable after the resident tests positive and in coordination with the resident, the resident's family, or the resident's legal guardian, arrange for the transfer of the individual to a facility that holds a rating of three, four, or five stars under the rating system.

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