By:  Paxton S.B. No. 1195

A BILL TO BE ENTITLED

AN ACT

relating to the right of certain hospital patients 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 241(B) to read as follows:

CHAPTER 241B. RIGHT TO ESSENTIAL CAREGIVER VISITS FOR CERTAIN HOSPITAL PATIENTS

Sec. 241B.0001.  DEFINITIONS. In this chapter:

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

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

(3)  "Hospital" includes general hospital and special hospital licensed under Chapter 241.

(4)  "Patient" means a person who, to receive medical care, consults with or is seen by a physician.

(5)  "Child" or "Minor" means a person under 18 years of age who is not and has not been married or who has not had the disabilities of minority removed for general purposes.

(6)  "Parent" has the meaning assigned under Section 101.024, Family Code.

Sec. 241B.0002  PATIENT'S RIGHT TO ESSENTIAL CAREGIVER VISITS. (a) A hospital patient has the right to designate at least one essential caregiver with whom the hospital may not prohibit in-person visitation.

(b) In the case of a patient who is a minor, the hospital must designate as an essential caregiver:

(1) any parent that has not had their rights limited by a court; and

(2) any person with conservatorship over the minor that has not been limited by a court.

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

(1) allow patients 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 patient 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 patient and essential caregiver;

(4) obtain a signed acknowledgment from the essential caregiver in which the caregiver agrees to follow the hospital's safety protocols.

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

SECTION 2. 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 241B.0002, Health and Safety Code, as added by the Act.

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