By:  Creighton S.B. No. 1956

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.  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.

(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.

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