

By: Davis

H.B. No. 1582

A BILL TO BE ENTITLED

AN ACT

relating to the placement of individuals with Alzheimer's disease or dementia in health care facilities and correctional facilities.

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

SECTION 1. Chapter 222, Health and Safety Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. REGULATION OF HEALTH CARE FACILITIES SERVICING

RESIDENTS WITH ALZHEIMER'S DISEASE OR DEMENTIA

Sec. 222.101. DEFINITIONS. In this subchapter:

(1) "Commission" means the Health and Human Services Commission.

(2) "Executive commissioner" means the executive commissioner of the commission.

(3) "Health care facility" means a health care facility licensed by the commission.

(4) "Resident" means an individual who resides in a health care facility.

Sec. 222.102. PLACEMENT OF CERTAIN RESIDENTS. The executive commissioner by rule shall prohibit a health care facility from placing a resident with Alzheimer's disease or dementia in the same room as a resident with mental illness and a history of violence.

Sec. 222.103. DISCIPLINARY ACTION. A health care facility that violates this subchapter or a rule adopted under this

1 subchapter is subject to disciplinary action by the commission as
2 if the facility violated an applicable licensing law.

3 SECTION 2. Chapter 493, Government Code, is amended by
4 adding Section 493.034 to read as follows:

5 Sec. 493.034. HOUSING OF INMATES WITH ALZHEIMER'S DISEASE
6 OR DEMENTIA. The department shall ensure that an inmate with
7 Alzheimer's disease or dementia who is confined in a correctional
8 facility operated by or under contract with the department is not
9 housed in the same cell as an inmate with mental illness and a
10 history of violence.

11 SECTION 3. Chapter 511, Government Code, is amended by
12 adding Section 511.022 to read as follows:

13 Sec. 511.022. HOUSING OF INMATES WITH ALZHEIMER'S DISEASE
14 OR DEMENTIA. The commission shall adopt rules prohibiting a
15 correctional facility from housing an inmate with Alzheimer's
16 disease or dementia in the same cell as an inmate with mental
17 illness and a history of violence.

18 SECTION 4. As soon as practicable after the effective date
19 of this Act, the executive commissioner of the Health and Human
20 Services Commission and the Commission on Jail Standards shall
21 adopt rules necessary to implement the changes in law made by this
22 Act.

23 SECTION 5. This Act takes effect September 1, 2021.