

By: Campos

H.B. No. 2770

A BILL TO BE ENTITLED

AN ACT

1
2 relating to restrictions on the admission of and care provided to
3 individuals by certain nursing facilities during a public health
4 emergency.

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

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

8 Sec. 242.405. ADMISSION AND PROVISION OF CARE RESTRICTIONS
9 FOR CERTAIN NURSING FACILITIES DURING PUBLIC HEALTH EMERGENCY. (a)

10 In this section:

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

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

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

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

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

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

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

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

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

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