

By: Kolkhorst

S.B. No. 267

A BILL TO BE ENTITLED

AN ACT

relating to the right of certain facility residents 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 260B to read as follows:

CHAPTER 260B. RIGHT TO ESSENTIAL CAREGIVER VISITS FOR CERTAIN FACILITY RESIDENTS

Sec. 260B.0001. DEFINITIONS. In this chapter:

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

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

(3) "Facility" means:

(A) a nursing facility licensed under Chapter 242; or

(B) an assisted living facility licensed under Chapter 247.

(4) "Resident" means an individual, including a patient, who resides in a facility.

Sec. 260B.0002. RESIDENT'S RIGHT TO ESSENTIAL CAREGIVER VISITS. (a) A facility resident has the right to designate at least one essential caregiver with whom the facility may not

1 prohibit in-person visitation.

2 (b) Notwithstanding Subsection (a), the executive
3 commissioner by rule shall develop guidelines to assist facilities
4 in establishing essential caregiver visitation policies and
5 procedures. The guidelines must require the facilities to:

6 (1) allow residents to designate for in-person
7 visitation at least one essential caregiver, and more than one if
8 needed;

9 (2) establish a visitation schedule allowing the
10 essential caregiver to visit the resident for the greater of two
11 hours each day or the hours necessary for the caregiver to complete
12 all caregiving tasks;

13 (3) establish procedures to enable personal contact
14 between the resident and essential caregiver while requiring social
15 distancing between the caregiver and facility staff;

16 (4) obtain a signed acknowledgment from the essential
17 caregiver in which the caregiver agrees to follow the facility's
18 safety protocols, including:

19 (A) wearing personal protective equipment while
20 visiting the resident;

21 (B) completing a health screening before
22 entering the facility;

23 (C) submitting to regular viral testing; and

24 (D) monitoring symptoms, practicing social
25 distancing, and limiting contact with individuals outside of the
26 facility; and

27 (5) establish a visitor's log for contact tracing.

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

3 SECTION 2. Chapter 555, Health and Safety Code, is amended
4 by adding Subchapter F to read as follows:

5 SUBCHAPTER F. RIGHT TO ESSENTIAL CAREGIVER VISITS

6 Sec. 555.201. DEFINITION. In this chapter, "essential
7 caregiver" means a family member, friend, or other individual
8 selected by a resident for in-person visits.

9 Sec. 555.202. RESIDENT'S RIGHT TO ESSENTIAL CAREGIVER
10 VISITS. (a) A resident of a state supported living center has the
11 right to designate at least one essential caregiver with whom the
12 center may not prohibit in-person visitation.

13 (b) Notwithstanding Subsection (a), the executive
14 commissioner by rule shall develop guidelines to assist state
15 supported living centers in establishing essential caregiver
16 visitation policies and procedures. The guidelines must require the
17 centers to:

18 (1) allow residents to designate for in-person
19 visitation at least one essential caregiver, and more than one if
20 needed;

21 (2) establish a visitation schedule allowing the
22 essential caregiver to visit the resident for the greater of two
23 hours each day or the hours necessary for the caregiver to complete
24 all caregiving tasks;

25 (3) establish procedures to enable personal contact
26 between the resident and essential caregiver while requiring social
27 distancing between the caregiver and center staff;

1 (4) obtain a signed acknowledgement from the essential
2 caregiver in which the caregiver agrees to follow the center's
3 safety protocols, including:

4 (A) wearing personal protective equipment while
5 visiting the resident;

6 (B) completing a health screening before
7 entering the center;

8 (C) submitting to regular viral testing; and

9 (D) monitoring symptoms, practicing social
10 distancing, and limiting contact with individuals outside of the
11 center; and

12 (5) establish a visitor's log for contact tracing.

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

15 SECTION 3. As soon as practicable after the effective date
16 of this Act, the executive commissioner of the Health and Human
17 Services Commission shall establish the guidelines required by
18 Sections 260B.0002 and 555.202, Health and Safety Code, as added by
19 this Act.

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