

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

1 VISITS. (a) A hospital patient has the right to designate at least
2 one essential caregiver with whom the hospital may not prohibit
3 in-person visitation.

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

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

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

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

14 (1) allow patients to designate for in-person
15 visitation at least one essential caregiver, and more than one if
16 needed;

17 (2) establish a visitation schedule allowing the
18 essential caregiver to visit the patient for the greater of two
19 hours each day or the hours necessary for the caregiver to complete
20 all caregiving tasks;

21 (3) establish procedures to enable personal contact
22 between the patient and essential caregiver;

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

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

1 SECTION 2. As soon as practicable after the effective date of
2 this Act, the executive commissioner of the Health and Human
3 Services Commission shall establish the guidelines required by
4 Sections 241B.0002, Health and Safety Code, as added by the Act.

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