

By: Creighton

S.B. No. 1956

A BILL TO BE ENTITLED

1 AN ACT
2 relating to in-person visitation with hospital patients during
3 certain periods of disaster.

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

5 SECTION 1. Sec. 241.012. IN-PERSON HOSPITAL VISITATION
6 DURING PERIOD OF DISASTER. (a) In this section:

7 (1) "Hospital" means a hospital licensed under this
8 chapter.

9 (2) "Qualifying official disaster order" means an
10 order, proclamation, or other instrument issued by the governor,
11 another official of this state, or the governing body or an official
12 of a political subdivision of this state declaring a disaster that
13 has infectious disease as the basis for the declared disaster.

14 (3) "Qualifying period of disaster" means the period
15 of time the area in which a hospital is located is declared to be a
16 disaster area by a qualifying official disaster order.

17 (b) A hospital may not during a qualifying period of
18 disaster prohibit in-person visitation with a patient receiving
19 care.

20 (c) Notwithstanding Subsection (b), a hospital may during a
21 qualifying period of disaster:

22 (1) restrict the number of visitors a patient
23 receiving care or treatment at the hospital may receive to not fewer
24 than one;

1 (2) require a visitor to the hospital to:

2 (A) complete a health screening before entering
3 the hospital; and

4 (B) wear personal protective equipment at all
5 times while visiting a patient at the hospital; and

6 (3) deny entry to a visitor who fails or refuses to:

7 (A) submit to or meet the requirements of a
8 health screening administered by the hospital; or

9 (B) wear personal protective equipment that
10 meets the hospital's infection control and safety requirements in
11 the manner prescribed by the hospital.

12 (d) A health screening administered by a hospital under this
13 section must be conducted in a manner that is consistent with:

14 (1) hospital policy; and

15 (2) if applicable, guidance or directives issued by
16 the commission, the Centers for Medicare and Medicaid Services, or
17 another agency with regulatory authority over the hospital.

18 (e) Notwithstanding any other law, a hospital is not subject
19 to civil or criminal liability or an administrative penalty if a
20 visitor contracts or spreads an infectious disease while on the
21 hospital's premises during a qualified period of disaster, except
22 where intentional misconduct or gross negligence by the hospital is
23 shown.

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