88R10812 MPF-D

By:  Plesa H.B. No. 2849

A BILL TO BE ENTITLED

AN ACT

relating to information about available free or low-cost cellular telephones and free or low-cost cellular telephone service plans provided to residents of certain nursing and assisted living facilities.

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

SECTION 1.  Section 242.501(a), Health and Safety Code, is amended to read as follows:

(a)  The executive commissioner by rule shall adopt a statement of the rights of a resident.  The statement must be consistent with Chapter 102, Human Resources Code, but shall reflect the unique circumstances of a resident at an institution.  At a minimum, the statement of the rights of a resident must address the resident's constitutional, civil, and legal rights and the resident's right:

(1)  to be free from abuse and exploitation;

(2)  to safe, decent, and clean conditions;

(3)  to be treated with courtesy, consideration, and respect;

(4)  to not be subjected to discrimination based on age, race, religion, sex, nationality, or disability and to practice the resident's own religious beliefs;

(5)  to place in the resident's room an electronic monitoring device that is owned and operated by the resident or provided by the resident's guardian or legal representative;

(6)  to privacy, including privacy during visits and telephone calls;

(7)  to complain about the institution and to organize or participate in any program that presents residents' concerns to the administrator of the institution;

(8)  to have information about the resident in the possession of the institution maintained as confidential;

(9)  to retain the services of a physician the resident chooses, at the resident's own expense or through a health care plan, and to have a physician explain to the resident, in language that the resident understands, the resident's complete medical condition, the recommended treatment, and the expected results of the treatment, including reasonably expected effects, side effects, and risks associated with psychoactive medications;

(10)  to participate in developing a plan of care, to refuse treatment, and to refuse to participate in experimental research;

(11)  to a written statement or admission agreement describing the services provided by the institution and the related charges;

(12)  to manage the resident's own finances or to delegate that responsibility to another person;

(13)  to access money and property that the resident has deposited with the institution and to an accounting of the resident's money and property that are deposited with the institution and of all financial transactions made with or on behalf of the resident;

(14)  to keep and use personal property, secure from theft or loss;

(15)  to not be relocated within the institution, except in accordance with standards adopted under Section 242.403;

(16)  to receive visitors;

(17)  to receive unopened mail and to receive assistance in reading or writing correspondence;

(18)  to participate in activities inside and outside the institution;

(19)  to wear the resident's own clothes;

(20)  to discharge himself or herself from the institution unless the resident is an adjudicated mental incompetent;

(21)  to not be discharged from the institution except as provided in the standards adopted under Section 242.403;

(22)  to be free from any physical or chemical restraints imposed for the purposes of discipline or convenience, and not required to treat the resident's medical symptoms; [~~and~~]

(23)  to receive information about prescribed psychoactive medication from the person prescribing the medication or that person's designee, to have any psychoactive medications prescribed and administered in a responsible manner, as mandated by Section 242.505, and to refuse to consent to the prescription of psychoactive medications; and

(24)  to receive information, at the time of admission and annually following admission, about available programs providing free or low-cost cellular telephones and free or low-cost cellular telephone service plans to qualifying residents.

SECTION 2.  Section 247.064(b), Health and Safety Code, is amended to read as follows:

(b)  The residents' bill of rights must provide that each resident in the assisted living facility has the right to:

(1)  manage the resident's financial affairs;

(2)  determine the resident's dress, hair style, or other personal effects according to individual preference, except that the resident has the responsibility to maintain personal hygiene;

(3)  retain and use personal property in the resident's immediate living quarters and to have an individual locked cabinet in which to keep personal property;

(4)  receive and send unopened mail;

(5)  unaccompanied access to a telephone at a reasonable hour or in case of an emergency or personal crisis;

(6)  privacy;

(7)  unrestricted communication, including personal visitation with any person of the resident's choice, at any reasonable hour, including family members and representatives of advocacy groups and community service organizations;

(8)  make contacts with the community and to achieve the highest level of independence, autonomy, and interaction with the community of which the resident is capable;

(9)  present grievances on behalf of the resident or others to the operator, state agencies, or other persons without threat of reprisal in any manner;

(10)  a safe and decent living environment and considerate and respectful care that recognizes the dignity and individuality of the resident;

(11)  refuse to perform services for the facility, except as contracted for by the resident and operator;

(12)  practice the religion of the resident's choice;

(13)  leave the facility temporarily or permanently, subject to contractual or financial obligations; [~~and~~]

(14)  receive information, at the time of admission and annually following admission, about available programs providing free or low-cost cellular telephones and free or low-cost cellular telephone service plans to qualifying residents; and

(15)  not be deprived of any constitutional, civil, or legal right solely by reason of residence in an assisted living facility.

SECTION 3.  As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt the rules necessary to implement the changes in law made by this Act.

SECTION 4.  This Act takes effect September 1, 2023.