

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

1 provided by the resident's guardian or legal representative;

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

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

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

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

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

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

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

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

1 behalf of the resident;

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

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

6 (16) to receive visitors;

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

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

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

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

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

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

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

26 (24) to receive information, at the time of admission
27 and annually following admission, about available programs

1 providing free or low-cost cellular telephones and free or low-cost
2 cellular telephone service plans to qualifying residents.

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

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

7 (1) manage the resident's financial affairs;

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

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

15 (4) receive and send unopened mail;

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

18 (6) privacy;

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

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

26 (9) present grievances on behalf of the resident or
27 others to the operator, state agencies, or other persons without

1 threat of reprisal in any manner;

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

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

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

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

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

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

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

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