

By: Hall

S.B. No. 124

A BILL TO BE ENTITLED

AN ACT

relating to hospital patients' rights and hospital policies and procedures; providing an administrative penalty.

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

SECTION 1. Chapter 241, Health and Safety Code, is amended by adding Subchapter N to read as follows:

SUBCHAPTER N. HOSPITAL PATIENTS' RIGHTS; HOSPITAL POLICIES AND PROCEDURES RELATED TO PATIENTS' RIGHTS

Sec. 241.451. DEFINITION. In this subchapter, "hospital" includes a hospital providing comprehensive medical rehabilitation services, chemical dependency services, and mental health services.

Sec. 241.452. PATIENTS' RIGHTS POLICY. (a) Each hospital shall adopt, implement, and enforce a written policy to ensure the rights of the hospital's patients. The policy must provide that each patient has a right to:

(1) the hospital's reasonable response to the patient's requests and needs for treatment or service, to the extent the request or need is within the hospital's capacity and stated mission and is allowed by law;

(2) considerate and respectful care that accounts for the psychosocial, spiritual, and cultural variables influencing the perceptions of illness without any bullying or shaming by hospital or medical staff;

1           (3) to the extent feasible, treatment by the patient's  
2 choice of physician;

3           (4) unrestricted visitation by at least one individual  
4 at any given time, including during a qualifying period of disaster  
5 as defined by Section 241.012;

6           (5) use as prescribed by the patient's physician of  
7 choice of:

8                   (A) a prescription drug the United States Food  
9 and Drug Administration has approved for use but prescribed for a  
10 use other than the approved use; or

11                   (B) a complementary or alternative medical  
12 treatment, regardless of the United States Food and Drug  
13 Administration's approval of the treatment;

14           (6) for terminally ill patients, access and use  
15 certain investigational drugs, biological products, and devices  
16 that are in clinical trials in accordance with this state's Right to  
17 Try Act under Chapter 489, including to the extent allowed by  
18 federal law during a qualifying period of disaster as defined by  
19 Section 241.012;

20           (7) care that optimizes the comfort and dignity of a  
21 patient who is dying through:

22                   (A) treating primary and secondary symptoms that  
23 are responsive to treatment as the patient or the patient's  
24 surrogate decision-maker determines;

25                   (B) effectively managing pain; and

26                   (C) acknowledging the psychosocial and spiritual  
27 concerns of the patient and the patient's family regarding dying

1 and the expression of grief by the patient and the patient's family;

2 (8) in collaboration with the patient's physician,  
3 make decisions involving the patient's health care, including the  
4 right to:

5 (A) accept or refuse treatment to the extent  
6 permitted by law and be informed of the medical consequence of  
7 refusing treatment;

8 (B) execute an advanced directive and  
9 periodically review the directive as provided by Section 241.457;

10 (C) appoint a surrogate to make health care  
11 decisions on the patient's behalf; and

12 (D) receive care that is not conditioned on the  
13 existence of the directive;

14 (9) be provided information necessary for the patient  
15 to make informed treatment decisions that reflect the patient's  
16 wishes;

17 (10) be provided at the time of admission information  
18 about the hospital's:

19 (A) patients' rights policy; and

20 (B) process for initiating, reviewing, and  
21 resolving as feasible patient complaints about quality of care;

22 (11) participate or have the patient's designated  
23 surrogate decision-maker participate in the consideration of  
24 ethical issues arising in the patient's care;

25 (12) be informed of any human experimentation or other  
26 research or educational project that affects the patient's care or  
27 treatment;

1           (13) personal privacy and confidentiality of the  
2 patient's information to the extent permitted by law; and

3           (14) access the information contained in the patient's  
4 medical records.

5           (b) To the extent allowed by law, a patient's guardian, next  
6 of kin, or other legally authorized surrogate decision-maker has  
7 the right to exercise the patient's rights under Subsection (a) if  
8 the patient:

9           (1) has been found to be incompetent by a court of law;

10           (2) is found by the patient's physician to be medically  
11 incapable of understanding the proposed procedure or treatment;

12           (3) is unable to communicate the patient's wishes  
13 regarding treatment; or

14           (4) is a minor.

15           Sec. 241.453. PATIENTS' RIGHTS POLICY FOR HOSPITALS  
16 PROVIDING COMPREHENSIVE MEDICAL REHABILITATION SERVICES. A  
17 hospital providing comprehensive medical rehabilitation services  
18 must include in the hospital's patients' rights policy adopted  
19 under Section 241.452 that each minor patient has the right to:

20           (1) appropriate treatment in the least restrictive  
21 setting available;

22           (2) decline unnecessary or excessive medication;

23           (3) an individualized treatment plan that is developed  
24 with the patient's participation;

25           (4) a humane treatment environment that provides  
26 reasonable protection from harm and appropriate privacy for  
27 personal needs;

1           (5) accommodations separated from adult patient  
2 accommodations; and

3           (6) regular communication with the patient's family.

4           Sec. 241.454. EFFECT ON OTHER REQUIREMENTS FOR CERTAIN  
5 HOSPITALS. A hospital patients' rights policy adopted under this  
6 subchapter by a hospital providing chemical dependency services or  
7 mental health services is in addition to any other patients' rights  
8 policy required by law or commission rules.

9           Sec. 241.455. REQUIRED DISPLAY OF PATIENTS' RIGHTS POLICY.

10 (a) A hospital shall prominently and conspicuously display the  
11 hospital's patients' rights policy in a public area readily  
12 accessible to hospital patients, residents, visitors, and  
13 employees.

14           (b) A hospital that provides comprehensive medical  
15 rehabilitation services, chemical dependency services, or mental  
16 health services must display the patients' rights policy in English  
17 and in a language other than English that is appropriate to the  
18 demographic composition of the community the hospital serves.

19           Sec. 241.456. NOTICE OF PATIENTS' RIGHTS BY HOSPITAL  
20 PROVIDING COMPREHENSIVE MEDICAL REHABILITATION SERVICES. (a) This  
21 section applies only to a hospital that provides comprehensive  
22 medical rehabilitation services.

23           (b) Before admitting or accepting for evaluation any  
24 patient, a hospital to which this section applies shall provide to  
25 the patient and, if applicable, to the patient's parent, managing  
26 conservator, or guardian, a written copy of the hospital's  
27 patients' rights policy and as feasible provide the copy in the

1 patient's primary language.

2 (c) The hospital shall ensure that within two hours, or as  
3 soon as reasonably possible within eight hours, after the time a  
4 patient is admitted to the hospital, the hospital's patients'  
5 rights policy is orally explained to the patient or, if  
6 appropriate, the patient's parent, managing conservator, or  
7 guardian. The explanation must be given in simple nontechnical  
8 terms and as feasible in the individual's primary language. The  
9 hospital may use other reasonable means to explain the policy to an  
10 individual with a vision or hearing impairment.

11 (d) Except as provided by Subsection (e), the hospital shall  
12 obtain a copy of the hospital's patients' rights policy signed by  
13 the patient or, if appropriate, the patient's parent, managing  
14 conservator, or guardian. The signed copy must:

15 (1) include a statement by the patient or other  
16 individual acknowledging the patient or individual read the policy  
17 and understands the specified rights; and

18 (2) be placed in the patient's medical record.

19 (e) If a patient is unable to comprehend the information  
20 contained in the hospital's patients' rights policy because of  
21 illness, age, or other factors, an emergency precludes a timely  
22 explanation of the policy, or the patient refuses to sign the policy  
23 as required under Subsection (d), the hospital may satisfy the  
24 requirements of Subsections (c) and (d) by:

25 (1) explaining the policy to the patient with two  
26 hospital staff members serving as witnesses; and

27 (2) placing the unsigned copy in the patient's medical

1 record with a written notation signed by the witnesses explaining  
2 the reason the patient did not sign the policy.

3 Sec. 241.457. ADVANCED DIRECTIVE PROCEDURES. A hospital  
4 shall:

5 (1) establish procedures for:

6 (A) determining at the time a patient is admitted  
7 to the hospital whether the patient has executed an advanced  
8 directive; and

9 (B) if appropriate, assisting in the development  
10 of an advanced directive for the patient;

11 (2) include any executed advanced directive in the  
12 patient's medical record; and

13 (3) periodically review the patient's advanced  
14 directive with the patient or the patient's surrogate  
15 decision-maker, as appropriate.

16 Sec. 241.458. POLICY ON INFORMED TREATMENT DECISIONS. A  
17 hospital shall adopt, implement, and enforce a written policy for  
18 ensuring a patient makes informed treatment decisions. The policy  
19 must be consistent with state and federal law and any other  
20 applicable legal requirements.

21 Sec. 241.459. ETHICAL ISSUES FOR PATIENT CARE. A hospital  
22 shall establish procedures for considering ethical issues that  
23 arise in a patient's care and provide education on health care  
24 ethical issues to patients and their caregivers.

25 Sec. 241.460. ADMINISTRATIVE PENALTY. (a) The commission  
26 shall assess an administrative penalty in the amount of \$1,000  
27 against a hospital for each violation of this subchapter or rules

1 adopted under this subchapter. Each day a violation continues or  
2 occurs may be considered a separate violation for purposes of  
3 imposing a penalty.

4 (b) The enforcement of the penalty may be stayed during the  
5 time the order is under judicial review if the hospital pays the  
6 penalty to the clerk of the court or files a supersedeas bond with  
7 the court in the amount of the penalty.

8 (c) The attorney general may sue to collect the penalty.

9 (d) A proceeding to impose the penalty is considered to be a  
10 contested case under Chapter 2001, Government Code.

11 Sec. 241.461. RULES. The executive commissioner shall  
12 adopt rules to implement this subchapter.

13 SECTION 2. Section 164.009(a), Health and Safety Code, is  
14 amended to read as follows:

15 (a) A treatment facility may not admit a patient to its  
16 facilities without fully disclosing to the patient or, if the  
17 patient is a minor, the patient's parent, managing conservator, or  
18 guardian, in, if possible, the primary language of the patient,  
19 managing conservator, or guardian, as the case may be, the  
20 following information in writing before admission:

21 (1) the treatment facility's estimated average daily  
22 charge for inpatient treatment with an explanation that the patient  
23 may be billed separately for services provided by mental health  
24 professionals;

25 (2) the name of the attending physician, if the  
26 treatment facility is a mental health facility, or the name of the  
27 attending mental health professional, if the facility is a chemical



1 dependency facility; and

2 (3) the current patients' rights policy as required  
3 under Subchapter N, Chapter 241, and any [~~patient's bill of~~  
4 ~~rights" as adopted by the executive commissioner that sets out]~~  
5 restrictions to the patient's freedom that may be imposed on the  
6 patient during the patient's stay in a treatment facility.

7 SECTION 3. Section 241.004, Health and Safety Code, is  
8 amended to read as follows:

9 Sec. 241.004. EXEMPTIONS. Except as otherwise provided by  
10 Subchapter N, this [~~This~~] chapter does not apply to a facility:

- 11 (1) licensed under Chapter 242 or 577;  
12 (2) maintained or operated by the federal government  
13 or an agency of the federal government; or  
14 (3) maintained or operated by this state or an agency  
15 of this state.

16 SECTION 4. Sections 321.002(a) and (b), Health and Safety  
17 Code, are amended to read as follows:

18 (a) The executive commissioner by rule shall adopt a  
19 "patient's bill of rights" that includes the applicable rights  
20 included in this chapter, the rights described by Subchapter N,  
21 Chapter 241, and other rights provided by Subtitle C of Title 7,  
22 Chapters 241, 462, 464, and 466, and any other provisions the  
23 executive commissioner considers necessary to protect the health,  
24 safety, and rights of a patient receiving voluntary or involuntary  
25 mental health, chemical dependency, or comprehensive medical  
26 rehabilitation services in an inpatient facility. In addition,  
27 the executive commissioner shall adopt rules that[+]

1           ~~[(1)]~~ provide standards to prevent the admission of a  
2 minor to a facility for treatment of a condition that is not  
3 generally recognized as responsive to treatment in an inpatient  
4 treatment setting~~[, and~~

5           ~~[(2) prescribe the procedure for presenting the~~  
6 ~~applicable bill of rights and obtaining each necessary signature~~  
7 ~~if:~~

8                   ~~[(A) the patient cannot comprehend the~~  
9 ~~information because of illness, age, or other factors; or~~

10                   ~~[(B) an emergency exists that precludes~~  
11 ~~immediate presentation of the information].~~

12           (b) The executive commissioner by rule shall adopt a  
13 "children's bill of rights" for a minor receiving treatment in a  
14 child-care facility for an emotional, mental health, or chemical  
15 dependency problem that includes the rights described by Subchapter  
16 N, Chapter 241.

17           SECTION 5. Sections 321.002(c), (d), and (f), Health and  
18 Safety Code, are repealed.

19           SECTION 6. (a) Notwithstanding Subchapter N, Chapter 241,  
20 Health and Safety Code, as added by this Act, a hospital is not  
21 required to comply with that subchapter until January 1, 2026.

22           (b) As soon as practicable after the effective date of this  
23 Act, the executive commissioner of the Health and Human Services  
24 Commission shall adopt the rules necessary to implement Subchapter  
25 N, Chapter 241, Health and Safety Code, as added by this Act.

26           SECTION 7. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2025.