

1-1 By: Metcalf, et al. (Senate Sponsor - Perry, Hall) H.B. No. 2211
 1-2 (In the Senate - Received from the House April 19, 2021;
 1-3 May 4, 2021, read first time and referred to Committee on Health &
 1-4 Human Services; May 24, 2021, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
 1-6 May 24, 2021, sent to printer.)

1-7 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-8 | | | | |
| 1-9 | X | | | |
| 1-10 | X | | | |
| 1-11 | X | | | |
| 1-12 | X | | | |
| 1-13 | X | | | |
| 1-14 | | | X | |
| 1-15 | X | | | |
| 1-16 | X | | | |
| 1-17 | X | | | |

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 2211 By: Campbell

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to in-person visitation with hospital patients during
 1-22 certain periods of disaster.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter A, Chapter 241, Health and Safety
 1-25 Code, is amended by adding Section 241.012 to read as follows:

1-26 Sec. 241.012. IN-PERSON HOSPITAL VISITATION DURING PERIOD
 1-27 OF DISASTER. (a) In this section:

1-28 (1) "Hospital" means a hospital licensed under this
 1-29 chapter.

1-30 (2) "Qualifying official disaster order" means an
 1-31 order, proclamation, or other instrument issued by the governor,
 1-32 another official of this state, or the governing body or an official
 1-33 of a political subdivision of this state declaring a disaster that
 1-34 has infectious disease as the basis for the declared disaster.

1-35 (3) "Qualifying period of disaster" means the period
 1-36 of time the area in which a hospital is located is declared to be a
 1-37 disaster area by a qualifying official disaster order.

1-38 (4) "Religious counselor" means an individual acting
 1-39 substantially in a pastoral or religious capacity to provide
 1-40 spiritual counsel to other individuals.

1-41 (b) A hospital may not during a qualifying period of
 1-42 disaster prohibit in-person visitation with a patient receiving
 1-43 care or treatment at the hospital unless federal law or a federal
 1-44 agency requires the hospital to prohibit in-person visitation
 1-45 during that period.

1-46 (c) Notwithstanding Subsection (b), a hospital may during a
 1-47 qualifying period of disaster:

1-48 (1) restrict the number of visitors a patient
 1-49 receiving care or treatment at the hospital may receive to not fewer
 1-50 than one;

1-51 (2) require a visitor to the hospital to:

1-52 (A) complete a health screening before entering
 1-53 the hospital; and

1-54 (B) wear personal protective equipment at all
 1-55 times while visiting a patient at the hospital; and

1-56 (3) deny entry to or remove from the hospital's
 1-57 premises a visitor who fails or refuses to:

1-58 (A) submit to or meet the requirements of a
 1-59 health screening administered by the hospital; or

1-60 (B) wear personal protective equipment that

2-1 meets the hospital's infection control and safety requirements in
2-2 the manner prescribed by the hospital.

2-3 (d) A health screening administered by a hospital under this
2-4 section must be conducted in a manner that, at a minimum, complies
2-5 with:

- 2-6 (1) hospital policy; and
- 2-7 (2) if applicable, guidance or directives issued by
2-8 the commission, the Centers for Medicare and Medicaid Services, or
2-9 another agency with regulatory authority over the hospital.

2-10 (e) Notwithstanding any other law, neither a hospital nor a
2-11 physician providing health care services on the hospital's premises
2-12 is subject to civil or criminal liability or an administrative
2-13 penalty if a visitor contracts an infectious disease while on the
2-14 hospital's premises during a qualifying period of disaster or, in
2-15 connection with a visit to the hospital, spreads an infectious
2-16 disease to any other individual, except where intentional
2-17 misconduct or gross negligence by the hospital or the physician is
2-18 shown. A physician who in good faith takes, or fails to take, an
2-19 action under this section is not subject to civil or criminal
2-20 liability or disciplinary action for the physician's action or
2-21 failure to act under this section.

2-22 (f) This section may not be construed as requiring a
2-23 hospital to:

- 2-24 (1) provide a specific type of personal protective
2-25 equipment to a visitor to the hospital; or
- 2-26 (2) allow in-person visitation with a patient
2-27 receiving care or treatment at the hospital if an attending
2-28 physician determines that in-person visitation with that patient
2-29 may lead to the transmission of an infectious agent that poses a
2-30 serious community health risk.

2-31 (g) A determination made by an attending physician under
2-32 Subsection (f)(2) is valid for not more than five days after the
2-33 date the determination is made unless renewed by an attending
2-34 physician.

2-35 (h) If a visitor to a hospital is denied in-person
2-36 visitation with a patient receiving care or treatment at a hospital
2-37 because of a determination made by an attending physician under
2-38 Subsection (f)(2), the hospital shall:

- 2-39 (1) provide each day a written or oral update of the
2-40 patient's condition to the visitor if the visitor:
 - 2-41 (A) is authorized by the patient to receive
2-42 relevant health information regarding the patient;
 - 2-43 (B) has authority to receive the patient's health
2-44 information under an advance directive or medical power of
2-45 attorney; or
 - 2-46 (C) is otherwise the patient's surrogate
2-47 decision-maker regarding the patient's health care needs under
2-48 hospital policy and other applicable law; and
- 2-49 (2) notify the person who receives the daily update
2-50 required under Subdivision (1) of the estimated date and time at
2-51 which the patient will be discharged from the hospital.

2-52 (i) Notwithstanding any other provision of this section, a
2-53 hospital may not prohibit in-person visitation by a religious
2-54 counselor with a patient who is receiving care or treatment at the
2-55 hospital and who is seriously ill or dying for a reason other than
2-56 the religious counselor's failure to comply with a requirement
2-57 described by Subsection (c)(2).

2-58 (j) In the event of a conflict between this section and any
2-59 provision of a qualifying official disaster order, this section
2-60 prevails.

2-61 (k) This section does not create a cause of action against a
2-62 hospital or physician.

2-63 SECTION 2. This Act takes effect September 1, 2021.

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