

1-1 By: Zaffirini, Hall S.B. No. 52
1-2 (In the Senate - Filed November 14, 2022; February 15, 2023,
1-3 read first time and referred to Committee on Health & Human
1-4 Services; April 3, 2023, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 April 3, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>X</u>			
1-10	<u>X</u>			
1-11	<u>X</u>			
1-12	<u>X</u>			
1-13	<u>X</u>			
1-14	<u>X</u>			
1-15	<u>X</u>			
1-16	<u>X</u>			
1-17	<u>X</u>			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 52 By: Perry

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

1-21 relating to the right of state hospital patients to designate an
1-22 essential caregiver for in-person visitation.

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

1-24 SECTION 1. Chapter 552, Health and Safety Code, is amended
1-25 by adding Subchapter F to read as follows:

1-26 SUBCHAPTER F. RIGHT TO ESSENTIAL CAREGIVER VISITS

1-27 Sec. 552.201. DEFINITION. In this chapter, "essential
1-28 caregiver" means a family member, friend, guardian, or other
1-29 individual a patient, patient's guardian, or patient's legally
1-30 authorized representative selects for in-person visits.

1-31 Sec. 552.202. PATIENT'S RIGHT TO ESSENTIAL CAREGIVER
1-32 VISITS. (a) A patient, the patient's guardian, or the patient's
1-33 legally authorized representative has the right to designate an
1-34 essential caregiver with whom a state hospital may not prohibit
1-35 in-person visitation.

1-36 (b) If a patient is a minor, the patient's parent, guardian,
1-37 or managing conservator may designate both of the minor patient's
1-38 parents as essential caregivers under Subsection (a).

1-39 Sec. 552.203. ESSENTIAL CAREGIVER POLICIES, PROCEDURES,
1-40 AND SAFETY PROTOCOLS. (a) Notwithstanding Section 552.202, the
1-41 executive commissioner by rule shall develop guidelines to assist
1-42 state hospitals in establishing essential caregiver visitation
1-43 policies and procedures. The guidelines must require the hospitals
1-44 to:

1-45 (1) allow a patient, patient's guardian, or patient's
1-46 legally authorized representative or, for a minor patient, the
1-47 patient's parent, guardian, or managing conservator, to designate
1-48 for in-person visitation an essential caregiver;

1-49 (2) establish a visitation schedule allowing the
1-50 essential caregiver to visit the patient for at least two hours each
1-51 day;

1-52 (3) establish procedures to enable physical contact
1-53 between the patient and essential caregiver; and

1-54 (4) obtain the signature of the essential caregiver
1-55 certifying the caregiver will follow the hospital's safety
1-56 protocols and any other policies, procedures, or rules established
1-57 under this section.

1-58 (b) A state hospital may not establish safety protocols
1-59 under this section that are more stringent than the safety
1-60 protocols the hospital establishes for hospital staff.

2-1 Sec. 552.204. REVOCATION OF ESSENTIAL CAREGIVER
2-2 DESIGNATION. (a) A state hospital may revoke an individual's
2-3 designation as an essential caregiver if the individual violates
2-4 the hospital's policies, procedures, or safety protocols
2-5 established under Section 552.203.

2-6 (b) If a state hospital revokes an individual's designation
2-7 as an essential caregiver under this section, the patient,
2-8 patient's guardian, or patient's legally authorized representative
2-9 or, for a minor patient, the patient's parent, guardian, or
2-10 managing conservator, has the right to immediately designate
2-11 another individual as the patient's essential caregiver.

2-12 (c) The commission by rule shall establish an appeals
2-13 process to evaluate the revocation of an individual's designation
2-14 as an essential caregiver under this section.

2-15 Sec. 552.205. TEMPORARY SUSPENSION OF ESSENTIAL CAREGIVER
2-16 VISITS. (a) A state hospital may petition the commission to
2-17 suspend in-person essential caregiver visits for not more than
2-18 seven days if in-person visitation poses a serious community health
2-19 risk. The commission may deny the hospital's request to suspend
2-20 in-person essential caregiver visitation if the commission
2-21 determines that in-person visitation does not pose a serious
2-22 community health risk.

2-23 (b) A state hospital may request an extension from the
2-24 commission to suspend in-person essential caregiver visitation for
2-25 more than seven days. The commission may not approve an extension
2-26 for a period that exceeds seven days, and the hospital must
2-27 separately request each extension.

2-28 (c) A state hospital may not suspend in-person essential
2-29 caregiver visitation in any year for more than 14 consecutive days
2-30 or 45 days total.

2-31 Sec. 552.206. PROVISION OF NECESSARY PATIENT CARE BY
2-32 ESSENTIAL CAREGIVER. This subchapter may not be construed as
2-33 requiring an essential caregiver to provide necessary care to a
2-34 patient, and a state hospital may not require an essential
2-35 caregiver to provide the necessary care.

2-36 SECTION 2. As soon as practicable after the effective date
2-37 of this Act, the executive commissioner of the Health and Human
2-38 Services Commission shall prescribe the guidelines and adopt the
2-39 rules required by Subchapter F, Chapter 552, Health and Safety
2-40 Code, as added by this Act.

2-41 SECTION 3. This Act takes effect September 1, 2023.

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