

BILL ANALYSIS

Senate Research Center

S.B. 1195
By: Paxton
Health & Human Services
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The recent pandemic has highlighted many areas of concern over the last year. One of those specific concerns has been the right of patients in hospitals to have someone, often family or friends, care for them as they are being treated. S.B. 1195 seeks to ensure that in what is often a time of great strife that each patient is allowed to designate a caregiver who can visit them at least once a day.

As proposed, S.B. 1195 amends current law relating to the right of certain hospital patients to designate an essential caregiver for in-person visitation.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 241B.0002, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle B, Title 4, Health and Safety Code, by adding Chapter 241(B), as follows:

CHAPTER 241B. RIGHT TO ESSENTIAL CAREGIVER VISITS FOR CERTAIN HOSPITAL PATIENTS

Sec. 241B.0001. **DEFINITIONS.** Defines "essential caregiver," "executive commissioner," "hospital," "patient," "child" or "minor," and "parent."

Sec. 241B.0002 **PATIENT'S RIGHT TO ESSENTIAL CAREGIVER VISITS.** (a) Provides that a hospital patient has the right to designate at least one essential caregiver with whom the hospital may not prohibit in-person visitation.

(b) Requires the hospital, in the case of a patient who is a minor, to designate as an essential caregiver:

(1) any parent that has not had their rights limited by a court; and

(2) any person with conservatorship over the minor that has not been limited by a court.

(c) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) by rule, notwithstanding Subsections (a) and (b), to develop guidelines to assist hospitals in establishing essential caregiver visitation policies and procedures. Requires that the guidelines require hospitals to:

(1) allow patients to designate for in-person visitation at least one essential caregiver, and more than one if needed;

(2) establish a visitation schedule allowing the essential caregiver to visit the patient for the greater of two hours each day or the hours necessary for the caregiver to complete all caregiving tasks;

(3) establish procedures to enable personal contact between the patient and essential caregiver;

(4) obtain a signed acknowledgment from the essential caregiver in which the caregiver agrees to follow the hospital's safety protocols.

(d) Provides that in the event of a conflict between this section and any other law, this section prevails.

SECTION 2. Requires the executive commissioner, as soon as practicable after the effective date of this Act, to establish the guidelines required by Sections 241B.0002, Health and Safety Code, as added by the Act.

SECTION 4. Effective date: September 1, 2021.