

SUBJECT: Allowing residents in facilities to use wheelchair self-release seat belts

COMMITTEE: Human Services — committee substitute recommended

VOTE: 8 ayes — Raymond, Frank, Keough, Klick, Miller, Minjarez, Rose,  
Swanson

0 nays

1 absent — Wu

WITNESSES: For — (*Registered, but did not testify*: Ali Jackson)

Against — None

On — Amanda Fredriksen, AARP; Rose Vera, Texas Assisted Living Association; (*Registered, but did not testify*: Alyse Meyer, LeadingAge Texas; Calvin Green, Texas Department of Aging and Disability Services; Scot Kibbe, Texas Health Care Association)

BACKGROUND: Health and Safety Code, ch. 322, subch. B regulates the use of secure restraints for residents in residential child-care facilities, intermediate care facilities for persons with intellectual and developmental disabilities, state mental health hospitals and other mental health facilities, assisted living facilities, nursing homes, and chemical dependency treatment facilities.

Sec. 322.051(a) prohibits a facility from using a restraint that obstructs a resident's mouth or nose, impedes a resident's breathing by putting pressure on the torso, or interferes with a resident's ability to communicate.

DIGEST: CSHB 284 would require certain health care facilities to allow residents to use a wheelchair self-release seat belt if:

- the resident had demonstrated the ability to release and fasten the seat belt without assistance;

- the use of the seat belt complied with the resident's care plan; and
- the resident or the resident's legal guardian provided written consent to the facility.

The Health and Human Services executive commissioner would adopt rules to implement the bill by January 1, 2018.

The bill would take effect September 1, 2017, and would apply only to the use of a wheelchair self-release seat belt occurring on or after January 1, 2018.

**SUPPORTERS  
SAY:**

By allowing capable residents of certain health care facilities to use a wheelchair self-release belt, CSHB 284 would place them in greater control of their lives while improving their safety. Although current law restricts the use of restraints, optional seat belts on wheelchairs would provide some residents the necessary safety required for greater mobility and still would maintain freedom for patients who are elderly or disabled. The bill also would help reduce the risk of falling for patients with mobility, frailty, or balance issues.

In order to use a self-release seat belt, residents would have to meet specific criteria, including demonstrating the ability to self-release. Any cognitive issues a patient might have would be addressed in the care plan, with which use of the self-restraint seat belt would have to comply.

**OPPONENTS  
SAY:**

CSHB 284 could infringe on the rights of health care facility residents. If a patient's cognitive ability faded throughout the day, the wheelchair seat belt could become a restraint if the person could not self-release.

Advocates and providers have devoted substantial time and resources to move away from the use of physical restraints in health care facilities, and the bill could cause these facilities to act against restraint-free policies. Better alternatives to prevent a patient's fall risk are available, such as tilted wheelchairs, wedged cushions, and other preventive mechanisms.