

BILL ANALYSIS

Senate Research Center
85R15416 DMS-D

H.B. 284
By: Springer (Buckingham)
Health & Human Services
5/11/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties assert that laws relating to the use of restraints intended to protect residents living in certain health care facilities have had unintended consequences. Presently, restraints that obstruct a resident's airway, impair breathing through pressure, or interfere with the ability to communicate are not permitted. While these laws were intended to keep patients safe, they have had the adverse effect of preventing the use of any and all restraints, even those that serve as safety belts to prevent patients such as paraplegics from falling out of their mobility devices.

H.B. 284 addresses this issue by requiring that certain health care facilities allow a resident to use a wheelchair self-release seatbelt while the resident is in a wheelchair, provided the resident demonstrates an ability to release and fasten the seatbelt without assistance and the use of a seatbelt complies with the resident's plan of care, and the facility receives written authorization signed by the resident or legal guardian.

By allowing capable residents of certain health care facilities to use a wheelchair self-release belt, H.B. 284 places them in greater control of their lives while improving their safety.

H.B. 284 amends current law relating to authorization for certain health care facilities to secure residents with wheelchair self-release seat belts.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 3 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 322, Health and Safety Code, by adding Section 322.0515, as follows:

Sec. 322.0515. AUTHORIZATION FOR USE OF WHEELCHAIR SELF-RELEASE SEAT BELT. Requires a facility, notwithstanding Section 322.051 (Certain Restraints Prohibited), to allow a resident to use a wheelchair self-release seat belt while the resident is in the resident's wheelchair if:

- (1) the resident demonstrates the ability to release and fasten the seat belt without assistance;
- (2) the use of the wheelchair self-release seat belt complies with the resident's plan of care; and
- (3) the facility receives written authorization signed by the resident or the resident's legal guardian for the resident to use the wheelchair self-release seat belt.

SECTION 2. Requires a state agency, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency, and authorizes delay of implementation until such a waiver or authorization is granted.

SECTION 3. Requires the executive commissioner of the Health and Human Services Commission, as soon as practicable after the effective date of this Act but not later than January 1, 2018, to adopt rules necessary to implement this Act.

SECTION 4. Makes application of Section 322.0515, Health and Safety Code, as added by this Act, prospective to January 1, 2018.

SECTION 5. Effective date: September 1, 2017.