

BILL ANALYSIS

Senate Research Center

S.J.R. 19
By: Kolkhorst
Health & Human Services
5/28/2021
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Many nursing homes and assisted living residents rely on family members, friends, or other caregivers to provide hands-on care and social and emotional support to supplement the care provided by staff. State policies enacted at the beginning of the COVID-19 public health emergency restricted long-term care residents' access to such essential caregivers. These restrictions had a significant impact on the physical and mental well-being of many residents, especially those with memory or cognitive challenges.

In September 2020, the Health and Human Services Commission updated the emergency rules to allow residents to designate up to two essential caregivers. These caregivers are provided with training to allow them to safely go inside a facility for scheduled visits to help ensure their loved one's physical, social, and emotional needs are being met. This resolution creates a constitutional amendment to codify a long-term care resident's right to designate an essential caregiver. The resolution also allows the legislature by general law to prescribe policies and procedures for an essential caregiver.

(Original Author's / Sponsor's Statement of Intent)

S.J.R. 19 proposes a constitutional amendment establishing a right for residents of certain facilities to designate an essential caregiver for in-person visitation.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article I, Texas Constitution, by adding Section 35, as follows:

Sec. 35. (a) Provides that a resident of a nursing facility, assisted living facility, intermediate care facility for individuals with an intellectual disability, residence providing home and community-based services, or state supported living center, as those terms are defined by general law, has the right to designate an essential caregiver with whom the facility, residence, or center may not prohibit in-person visitation.

(b) Authorizes the legislature by general law, notwithstanding Subsection (a) of this section, to provide for guidelines for a facility, residence, or center described by Subsection (a) of this section to follow in establishing essential caregiver visitation policies and procedures.

SECTION 2. Requires that the proposed constitutional amendment be submitted to the voters at an election to be held November 2, 2021. Sets forth the required language of the ballot.