

AN ACT

relating to authorization for certain health care facilities to secure residents with wheelchair self-release seat belts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 322, Health and Safety Code, is amended by adding Section 322.0515 to read as follows:

Sec. 322.0515. AUTHORIZATION FOR USE OF WHEELCHAIR SELF-RELEASE SEAT BELT; EXCEPTION. (a) Except as provided by Subsection (b) and notwithstanding Section 322.051, a facility shall 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.

(b) A facility that advertises as a restraint-free facility is not required to comply with Subsection (a) if the facility:

(1) provides to current and prospective residents a written disclosure stating the facility is restraint-free and is not required to comply with a request under Subsection (a); and

(2) makes all reasonable efforts to accommodate the

1 concerns of a resident who requests a seat belt under Subsection
2 (a).

3 SECTION 2. If before implementing any provision of this Act
4 a state agency determines that a waiver or authorization from a
5 federal agency is necessary for implementation of that provision,
6 the agency affected by the provision shall request the waiver or
7 authorization and may delay implementing that provision until the
8 waiver or authorization is granted.

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

13 SECTION 4. Section 322.0515, Health and Safety Code, as
14 added by this Act, applies only to the use of a wheelchair
15 self-release seat belt occurring on or after January 1, 2018. Use
16 of a wheelchair self-release seat belt occurring before that date
17 is governed by the law in effect immediately before the effective
18 date of this Act, and that law is continued in effect for that
19 purpose.

20 SECTION 5. This Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 284 was passed by the House on April 6, 2017, by the following vote: Yeas 144, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 284 on May 25, 2017, by the following vote: Yeas 130, Nays 12, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 284 was passed by the Senate, with amendments, on May 22, 2017, by the following vote: Yeas 29, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor