

HEALTH AND SAFETY CODE
TITLE 4. HEALTH FACILITIES

SUBTITLE B. LICENSING OF HEALTH FACILITIES

Chapter 260C, consisting of Secs. 260C.001 to 260C.002, was added by Acts 2021, 87th Leg., R.S., Ch. 519 (S.B. 572), Sec. 2. For another Chapter 260C, consisting of Secs. 260C.001 to 260C.002, added by Acts 2021, 87th Leg., R.S., Ch. 732 (H.B. 3961), Sec. 1, see Sec. 260C.001 et seq., post.

CHAPTER 260C. IN-PERSON VISITATION WITH RELIGIOUS COUNSELOR

Sec. 260C.001. DEFINITIONS. In this chapter:

(1) "Health care facility" means:

- (A) a home and community support services agency licensed under Chapter 142;
- (B) a hospital licensed under Chapter 241;
- (C) a nursing facility licensed under Chapter 242;
- (D) a continuing care facility regulated under Chapter 246;
- (E) an assisted living facility licensed under Chapter 247; or
- (F) a special care facility licensed under Chapter 248.

(2) "Public health emergency" means:

- (A) a state of disaster or local disaster declared under Chapter 418, Government Code; or
- (B) a public health disaster as defined by Section 81.003.

(3) "Religious counselor" means an individual acting substantially in a pastoral or religious capacity to provide spiritual counsel to other individuals.

Added by Acts 2021, 87th Leg., R.S., Ch. 519 (S.B. 572), Sec. 2, eff. June 14, 2021.

Sec. 260C.002. IN-PERSON VISITATION WITH RELIGIOUS COUNSELOR. (a) A health care facility may not prohibit a resident or patient of the facility from receiving in-person visitation with

a religious counselor during a public health emergency on the request of:

(1) the patient or resident; or

(2) if the patient or resident is incapacitated, the patient's or resident's legally authorized representative, including a family member of the patient or resident.

(b) Notwithstanding Subsection (a), the executive commissioner by rule shall develop guidelines to assist health care facilities in establishing in-person religious counselor visitation policies and procedures. The guidelines must:

(1) establish minimum health and safety requirements for in-person visitation with religious counselors;

(2) allow health care facilities to adopt reasonable time, place, and manner restrictions on in-person visitation with religious counselors to:

(A) mitigate the spread of a communicable disease; and

(B) address the patient's or resident's medical condition;

(3) provide special consideration to patients and residents who are receiving end-of-life care; and

(4) allow health care facilities to condition in-person visitation with religious counselors on the counselor's compliance with guidelines, policies, and procedures established under this subsection.

(c) A health care facility may prohibit in-person visitation with a religious counselor during a public health emergency if federal law or a federal agency requires the health care facility to prohibit in-person visitation during that period.

Added by Acts 2021, 87th Leg., R.S., Ch. 519 (S.B. 572), Sec. 2, eff. June 14, 2021.