

SUBJECT: Creating right of long-term care residents to designate essential caregiver

COMMITTEE: Human Services — committee substitute recommended

VOTE: 7 ayes — Frank, Klick, Meza, Neave, Noble, Rose, Shaheen

1 nay — Hinojosa

1 absent — Hull

SENATE VOTE: On final passage, March 17 — 29-0

WITNESSES: None

DIGEST: CSSJR 19 would amend the Texas Constitution to grant residents of certain long-term care facilities the right to designate an essential caregiver with whom the facility could not prohibit in-person visitation.

The joint resolution would apply to residents in 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.

The Legislature by general law could provide guidelines for a facility addressed by the bill to follow in establishing essential caregiver visitation policies and procedures.

Ballot proposal. The ballot proposal would be presented to voters in an election to be held November 2, 2021. The proposal would read: "The constitutional amendment establishing a right for residents of certain facilities to designate an essential caregiver for in-person visitation."

SUPPORTERS SAY: CSSJR 19 by Kolkhorst (Frank), would grant long-term residents the right to designate an essential caregiver for in-person visitation, ensuring residents had access to an essential caregiver at all times. Essential caregivers are vital in providing hands-on care and social and emotional

support to residents that supplements care provided by facility staff.

During the COVID-19 pandemic, visitation restrictions were difficult for residents and their families as well as for facility staff. Many residents were isolated and lacked connection and physical touch from loved ones for several months, and as a result of these restrictions, some patients died alone. By allowing residents to designate an essential caregiver, the joint resolution and its enabling legislation would ensure vulnerable Texans had access to loved ones, which could improve residents' physical and mental health.

Designating only one essential caregiver at a time is an appropriate balance between ensuring residents receive visits from a loved one and providing flexibility for facilities' response to a future disease outbreak.

**CRITICS
SAY:**

CSSJR 19 should allow a long-term care facility resident or the resident's guardian or representative to designate more than one person at a time as an essential caregiver for in-person visitation. Limiting the essential caregiver designation to only one person could prevent other family members and friends from seeing a loved one before they passed away.

NOTES:

According to the Legislative Budget Board, the cost for publishing the resolution would be \$178,333.

The House companion, HJR 46 by Frank, was considered in a public hearing of the Human Services Committee on March 9 and left pending.