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Senator Kolkhorst & Representative Frank File Essential Caregiver Legislation

AUSTIN - With the COVID-19 pandemic forcing Texans to carefully navigate family events, those living in isolation are facing a holiday season unlike any other. In response to emergency rules that have limited family access to long-term care facilities, State Representative James B. Frank (R - Wichita Falls) and State Senator Lois W. Kolkhorst (R - Brenham) today filed HB 892, HJR 46, SB 267 and SJR 19 in an effort to strengthen the rights of facility residents to maintain contact and personal visits with their loved ones during state emergencies.

During the response to COVID-19, earlier this year Texas issued emergency rules that restricted access to long-term care facilities, such as nursing homes and state supported living centers, even if there were no cases of the illness present. Consequently, many families have been denied any personal visits with parents, children, spouses, and others residing in long-term facilities during the pandemic. This type of severe and prolonged isolation has become a growing concern. Visiting family members or friends so often play an important role in providing emotional support to residents, as well as protecting them from unseen abuse and neglect, and advocating for their needs.

"I have listened to emotional stories from constituents and heard from desperate families across Texas who were not allowed to see a loved one for months. While there is a public health mission to protect our vulnerable populations from COVID-19, that pursuit should not send residents into a state of solitary confinement with no personal contact from family or friends," Kolkhorst said. "I look forward to working with everyone touched by this issue, so we can ensure the rights of long-term residents and make clear in the law that those lifelines to their family and friends will never be broken again."

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.

"These vulnerable Texans need the care, communication, and physical touch of loved ones and the experience of human interaction that is crucial to quality of life and to both physical and mental health," Frank said. "I am heartbroken at the dozens of stories I have heard of a spouse or a parent who died after living their final months in isolation. The Legislature must work this session at ensuring that these tragedies are not repeated in the future," Frank said.

Specifically, the legislation filed and accompanying resolution codify a nursing home or assisted living resident's right to designate an essential caregiver, and directs the Executive Commissioner of the Health and Human Services Commission to establish guidelines for infection control measures to ensure resident and staff safety during caregiving visits. These specific guidelines will provide certainty and consistency for caregivers, residents, and long-term care providers.

Senator Kolkhorst chairs the Senate's Health & Human Services Committee and Representative Frank chairs the House's Human Services Committee. ###