



P.O. Box 806 | Austin, Texas 78767-0806  
(512) 228-6962 | [www.FreedomForTexas.com](http://www.FreedomForTexas.com)

**Rep. Mayes Middleton**  
District 23 – Wallisville  
*Chairman*

**Rep. Matt Schaefer**  
District 6 – Tyler  
*Vice-Chairman*

**Rep. Matt Krause**  
District 93 – Fort Worth  
*Treasurer/Secretary*

**Rep. Kyle Biedermann**  
District 73 – Fredericksburg

**Rep. Briscoe Cain**  
District 128 – Deer Park

**Rep. Mike Lang**  
District 60 – Granbury

**Rep. Matt Shaheen**  
District 66 – Plano

**Rep. Valoree Swanson**  
District 150 – Spring

**Rep. Tony Tinderholt**  
District 94 – Arlington

**Rep. Steve Toth**  
District 15 – The Woodlands

**Rep. Bill Zedler**  
District 96 – Arlington

Cecile Young, Executive Commissioner  
Texas Health and Human Services Commission  
4900 N. Lamar Blvd.  
Austin, Texas 78751-2316

***Submitted via Electronic Mail***

Re: Request to clarify guidelines for religious visitation policies related to nursing homes, state-supporting living centers, and other long-term care facilities

August 18, 2020

Commissioner Young:

On behalf of our constituents, we thank you for your swift response to the inquiries and suggestions made by a many number of legislators over the past few weeks. The new guidelines HHSC has issued will make it easier for families that have loved ones in nursing and long-term care facilities to visit and provide in-person family medical advocacy, as well as the necessary support for the patient's well-being as we weather this pandemic.

Unfortunately, problems persist. Last week, one of our constituents was denied last rites at a nursing home. This has left the family devastated and is a situation that is never acceptable. To deny religious services to the dying is such an egregious infringement on religious liberties that words cannot describe our anger and frustration, nor can they describe our concern about what these types of precedents portend for the future of our state. What we can say is that these denials constitute an abominable violation of every American's First Amendment God-given right to practice their religion as they see fit. Those close to death should never be denied the basic liberties upon which our state and country was founded.

We have learned that HHSC does, in fact, allow end-of-life religious ceremonies in these facilities, so we will advise our constituent to issue

a formal complaint against the facility. For many Texans, though, the religious figures in their lives are as close as family. Although we are grateful that HHSC is not, in fact, denying end-of-life ceremonies to Texans, we also believe that denying basic religious services to those who wish to utilize any that are offered is also an unacceptable violation of Texas law.

As you know, Chapter 247 of the Texas Health & Safety Code outlines, clearly, the Texas assisted living facilities “Residents’ Bill of Rights,” guaranteeing each resident the right to “unrestricted communication, including personal visitation with any person of the resident’s choice, at any reasonable hour, including family members and representatives of advocacy groups and community service organizations.”<sup>1</sup> This section applies to members of religious communities. For continuing care facilities, the Health & Safety Code also provides that “resident receiving care . . . [are] entitled to all statutory rights provided to a nursing home, personal care, or custodial care resident.”<sup>2</sup>

For these reasons, we respectfully request that HHSC loosen these restrictions on clergy and members of the religious community to allow for simple religious visitations administered under the same guidelines HHSC expects family members to follow when visiting. We further request that HHSC clarify and communicate these policy changes to nursing and long-term care facilities via memorandum. This memorandum should be sent to all facilities in Texas, and it should be sent as fast as humanly possible. We again offer our resources and our staff should you need any assistance.

To put it simply: People need to see their pastors and their priests when they are sick. Christianity teaches to care for the afflicted, so as practicing Christians, we believe that we are supposed to take care of our neighbors—both physically and spiritually—when sick. Being denied the basic human right of religious participation cannot be tolerated in Texas under any circumstances. After all, Section 6 of the Texas Bill of Rights reads as follows: “No human authority ought, in any case whatever, to control or interfere with the rights of conscience in matters of religion . . . .” Please adopt these policies and clearly communicate them to nursing and long-term care facilities statewide.

Sincerely,

A handwritten signature in black ink, appearing to read "Mayes Middleton", with a stylized flourish at the end.

Rep. Mayes Middleton  
Chair, Texas Freedom Caucus

---

<sup>1</sup> Tex. Health & Safety Code Ann. § 247.064(a)(7).

<sup>2</sup> Tex. Health & Safety Code Ann. § 246.004. *See also* Tex. Health & Safety Code Ann. § 242.501(a)(16) (indicating a resident’s right to receive visitors in convalescent and nursing facilities and related institutions).