



LEGAL AND MEDICARE FOR CS

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AGENDA

Introduction

Legal

Medicare

Q & A

TEXAS CONSTITUTION

ARTICLE I. BILL OF RIGHTS

§ 6. FREEDOM OF WORSHIP

All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences. No man shall be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent. No human authority ought, in any case whatever, to control or interfere with the rights of conscience in matters of religion, and no preference shall ever be given by law to any religious society or mode of worship. But it shall be the duty of the Legislature to pass such laws as may be necessary to protect equally every religious denomination in the peaceable enjoyment of its own mode of public worship

§ 6-a. RELIGIOUS SERVICES (ADDED IN 2021)

This state or a political subdivision of this state may not enact, adopt, or issue a statute, order, proclamation, decision, or rule that prohibits or limits religious services, including religious services conducted in churches, congregations, and places of worship, in this state by a religious organization established to support and serve the propagation of a sincerely held religious belief.

TEXAS LAWS AND DEATH

There are many laws in the State of Texas that recognize its citizen's rights to elect to decline medical care and rely on prayer and spiritual means for healing.

However, there are certain laws that do apply when a person dies that Christian Scientists need to be aware of.



DEATHS REQUIRING AN AUTOPSY/INQUEST

TEX. CODE OF CRIMINAL PROCEDURE SEC. 49.04 DEATHS REQUIRING AN INQUEST (TEXAS STATUTES (2023 EDITION))

49.04. Deaths Requiring An Inquest

(a) A justice of the peace shall conduct an inquest into the death of a person who dies in the county served by the justice if:

. . . (3) the body or a body part of a person is found, the cause or circumstances of death are unknown, and:

the person is identified; or

the person is unidentified; . . .

(6) the person dies without having been attended by a physician;

(7) the person dies while attended by a physician who is unable to certify the cause of death and who requests the justice of the peace to conduct an inquest; or

(8) the person is a child younger than six years of age and an inquest is required by Chapter 264, Family Code.

TEX. CODE OF CRIMINAL PROCEDURE SEC. 49.25 MEDICAL EXAMINERS (TEXAS STATUTES (2023 EDITION))

Sec. 6. DEATH INVESTIGATIONS.

(a) Any medical examiner, or his duly authorized deputy, shall be authorized, and it shall be his duty, to hold inquests with or without a jury within his county, in the following cases:

1. When a person shall die within twenty-four hours after admission to a hospital or institution or in prison or in jail;
- ... 3. When the body or a body part of a person is found, the cause or circumstances of death are unknown, and: (A) the person is identified; or (B) the person is unidentified;
- ... 6. When a person dies without having been attended by a duly licensed and practicing physician, and the local health officer or registrar required to report the cause of death under Section 193.005, Health and Safety Code, does not know the cause of death. When the local health officer or registrar of vital statistics whose duty it is to certify the cause of death does not know the cause of death, he shall so notify the medical examiner of the county in which the death occurred and request an inquest;
7. When the person is a child who is younger than six years of age and the death is reported under Chapter 264, Family Code; and
8. When a person dies who has been attended immediately preceding his death by a duly licensed and practicing physician or physicians, and such physician or physicians are not certain as to the cause of death and are unable to certify with certainty the cause of death as required by Section 193.004, Health and Safety Code. In case of such uncertainty the attending physician or physicians, or the superintendent or general manager of the hospital or institution in which the deceased shall have died, shall so report to the medical examiner of the county in which the death occurred, and request an inquest.

§ 673.002. AUTOPSY

(a) The death in this state of a child 12 months old or younger shall be immediately reported to the justice of the peace, medical examiner, or other proper official as prescribed by law if the child dies suddenly or is found dead and if the cause of death is unknown.

(b) The justice of the peace or medical examiner shall inform the child's legal guardian or parents that an autopsy shall be performed on the child. . . .



HEALTHCARE DECISIONS RECOGNIZED/PROTECTED

TEX. HEALTH AND SAFETY CODE SEC. 252.001 PURPOSE (TEXAS STATUTES (2023 EDITION))

- **§ 252.001. Purpose**
- **The purpose of this chapter** is to promote the public health, safety, and welfare by providing for the development, establishment, and enforcement of standards for the provision of services to individuals **residing in intermediate care facilities for individuals** with an intellectual disability and the establishment, construction, maintenance, and operation of facilities providing this service that, in light of advancing knowledge, will promote quality in the delivery of services and treatment of residents.

§ 252.003. EXEMPTIONS

Except as otherwise provided by this chapter, this chapter does not apply to:

...

(2) an establishment that is conducted by or for the adherents of a well-recognized church or religious denomination for the purpose of providing facilities for the care or treatment of individuals who are ill and who depend exclusively on prayer or spiritual means for healing, without the use of any drug or material remedy, if the establishment complies with safety, sanitary, and quarantine laws and rules.

TEX. HUMAN RESOURCES CODE SEC. 45.001 LEGISLATIVE INTENT (TEXAS STATUTES (2023 EDITION))

§ 45.001. Legislative Intent

It is the intent of the legislature to maintain a diverse network of service providers that offer a range of foster capacity options and that accommodate children from various cultural backgrounds. To that end, the legislature expects reasonable accommodations to be made by the state to allow people of diverse backgrounds and beliefs to be a part of meeting the needs of children in the child welfare system. Decisions regarding the placement of children shall continue to be made in the best interest of the child, including which person is best able to provide for the child's physical, psychological, and emotional needs and development.

§ 45.009. EFFECT ON RIGHTS; CONSTRUCTION OF LAW

(a) This chapter may not be construed to authorize a governmental entity to burden a person's free exercise of religion.

(b) The protections of religious freedom afforded by this chapter are in addition to the protections provided under federal or state law and the constitutions of this state and the United States.

(c) This chapter may not be construed to supersede any law of this state that is equally as protective of religious beliefs as, or more protective of religious beliefs than, this chapter.

(d) This chapter may not be considered to narrow the meaning or application of any other law protecting religious beliefs.

§ 48.203. VOLUNTARY PROTECTIVE SERVICES

- (a) An elderly person or person with a disability may receive voluntary protective services if the person requests or consents to receive those services.
- (b) The elderly person or person with a disability who receives protective services shall participate in all decisions regarding the person's welfare, if able to do so.
- (c) The least restrictive alternatives should be made available to the elderly person or person with a disability who receives protective services.
- (d) Except as provided by Section 48.208, if an elderly person or person with a disability withdraws from or refuses consent to voluntary protective services, the services may not be provided.

§ 48.203. VOLUNTARY PROTECTIVE SERVICES CONT.

(e) This chapter may not be construed to prevent law enforcement officers from exercising duties imposed on the officers under the Family Code and the Penal Code.

(f) This chapter may not be construed to allow a child welfare services provider to decline to provide, facilitate, or refer a person for child welfare services on the basis of that person's race, ethnicity, or national origin.

(g) This chapter may not be construed to allow a child welfare services provider to deprive a minor of the rights, including the right to medical care, provided by Chapters 32, 263, and 266, Family Code.

(h) This chapter may not be construed to prohibit the department from:

(1) exercising its duty as the child's managing conservator to make decisions in the child's best interest; or

(2) obtaining necessary child welfare services from an alternate child welfare services provider.

§ 48.207. OBJECTION TO MEDICAL TREATMENT

This chapter does not authorize or require any medical treatment of a person who objects on the grounds that he is an adherent or member of a recognized church or religious denomination the tenets and practice of which may include reliance solely upon spiritual means through prayer for healing.

§ 102.001. DEFINITIONS

(5) "Elderly individual" means an individual 60 years of age or older.

§ 102.003. RIGHTS OF THE ELDERLY

(a) An elderly individual has all the rights, benefits, responsibilities, and privileges granted by the constitution and laws of this state and the United States, except where lawfully restricted. The elderly individual has the right to be free of interference, coercion, discrimination, and reprisal in exercising these civil rights.

(b) An elderly individual has the right to be treated with dignity and respect for the personal integrity of the individual, without regard to race, religion, national origin, sex, age, disability, marital status, or source of payment. This means that the elderly individual:

(1) has the right to make the individual's own choices regarding the individual's personal affairs, care, benefits, and services;

(2) has the right to be free from abuse, neglect, and exploitation; and

(3) if protective measures are required, has the right to designate a guardian or representative to ensure the right to quality stewardship of the individual's affairs.

§ 102.003. RIGHTS OF THE ELDERLY CONT.

- ...
- (h) An elderly individual may participate in activities of social, religious, or community groups unless the participation interferes with the rights of other persons.
- ...
- (n) An elderly individual may refuse medical treatment after the elderly individual: (1) is advised by the person providing services of the possible consequences of refusing treatment; and (2) acknowledges that the individual clearly understands the consequences of refusing treatment.

TEX. INSURANCE CODE SEC. 1551.001 SHORT TITLE (TEXAS STATUTES (2023 EDITION))

§ 1551.005. Definition of Health Benefit Plan

(a) In this chapter, "health benefit plan" means a plan that provides, pays for, or reimburses expenses for health care services, including comparable health care services for participants who rely solely on spiritual means through prayer for healing in accordance with the teaching of a well-recognized church or denomination.

MEDICARE

Christian Scientists often go through their lives without participating in medical processes and expenses. At age 65, Medicare is available to all U.S. citizens. Christian Scientists are eligible to participate in this program.

I would like to share some information along with my experience.

MEDICARE PARTS

Part A

•**Medicare Part A** pays for institutional health care, such as care in a hospital, skilled nursing facility, or a religious nonmedical health care institution (RNHCI), the category under which Christian Science nursing facilities fit under the Medicare law. Most people do not have to pay a premium for Part A.

Part B

•**Medicare Part B** pays for noninstitutional health care services, such as ambulance services, durable medical equipment (e.g., wheelchairs, canes), laboratory tests, and doctor visits. Everyone must pay a monthly [premium](#) for Part B. The premium changes annually. You may opt out of Part B. However it is required for Medigap insurance.

Part D

Medicare Part D provides prescription drug coverage through private health plans. Many, but not all, of these plans require monthly premiums.

PART C

Medicare Part C (Medicare Advantage) is an alternative to Medicare Parts A and B. People enrolled in these plans are required to receive all of their health care through private managed care plans that contract with the federal government. These plans require monthly premiums that vary by plan.

Medicare and RNHCI Care

Medicare covers services provided in a [RNHCI that is a certified Medicare provider](#):

- If you sign a form stating that you are electing to have care in a RNHCI based on your religious beliefs (a “RNHCI election”);
- If personnel at the RNHCI determine that you have a health condition that would otherwise require admission to a hospital or a skilled nursing facility (a “Medicare-covered level of care”);
- If you require a Medicare-covered level of care when admitted (Medicare coverage may end if you cease to need a Medicare-covered level of care);
- If you need Medicare-covered care within the [number of days allowed under the RNHCI benefit](#).

Medicare does not cover all of the costs of a stay in a RNHCI, and does not cover the following costs at all:



ASSOCIATION OF ORGANIZATIONS
FOR CHRISTIAN SCIENCE
NURSING – AOCSN

WWW.AOCSN.ORG

Lots of resources and
information on Medicare



REFERRAL BY ME

Steve Parker, Castle Senior Benefits

Does annual review of plans and has learned to understand my family's approach to Medicare and its coverage.

TYPICAL LANGUAGE FOR CS NURSING CARE

SECTION 6 Rules for getting care covered in a “religious non-medical health care institution” Section 6.1 **What is a religious non-medical health care institution?**

A religious non-medical health care institution is a facility that provides care for a condition that would ordinarily be treated in a hospital or skilled nursing facility. If getting care in a hospital or a skilled nursing facility is against a member’s religious beliefs, we will instead provide coverage for care in a religious non-medical health care institution. **This benefit is provided only for Part A inpatient services (non-medical health care services).**

Section 6.2 Receiving care from a religious non-medical health care institution

To get care from a religious non-medical health care institution, you must sign a legal document that says you are conscientiously opposed to getting medical treatment that is “non-excepted.”

- “Non-excepted” medical care or treatment is any medical care or treatment that is *voluntary* and *not required* by any federal, state, or local law.

To be covered by our plan, the care you get from a religious non-medical health care institution must meet the following conditions:

- The facility providing the care must be certified by Medicare.
- Our plan’s coverage of services you receive is limited to *non-religious* aspects of care.
- If you get services from this institution that are provided to you in a facility, the following conditions apply:
 - You must have a medical condition that would allow you to receive covered services for inpatient hospital care or skilled nursing facility care.
 - — *and* — you must get approval in advance from our plan before you are admitted to the facility or your stay will not be covered.

Medicare Inpatient Hospital coverage limits apply (please refer to the Medical Benefits Chart in Chapter 4).



QUESTIONS?



THANK YOU

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