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H.B. No. 1164

A BILL TO BE ENTITLED

AN ACT

relating to patient safety practices regarding placenta accreta
spectrum disorder.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter H, Chapter 241, Health and Safety
Code, is amended by adding Section 241.1837 to read as follows:

Sec. 241.1837. PATIENT SAFETY PRACTICES REGARDING PLACENTA
ACCRETA SPECTRUM DISORDER. (a) In this section:

(1) "Placenta accreta spectrum disorder" includes
placenta accreta, placenta increta, and placenta percreta.

(2) "Telemedicine medical service" has the meaning
assigned by Section 111.001, Occupations Code.

(b) The executive commissioner, in consultation with the
department, the Perinatal Advisory Council established under
Section 241.187, and other interested persons described by
Subsection (c), shall by rule develop patient safety practices for
the evaluation, diagnosis, treatment, and management of placenta
accreta spectrum disorder.

(c) In adopting the patient safety practices under
Subsection (b), the executive commissioner must consult with:

(1) physicians and other health professionals who
practice in the evaluation, diagnosis, treatment, and management of
placenta accreta spectrum disorder;

(2) health researchers with expertise in placenta

1 accreta spectrum disorder;

2 (3) representatives of patient advocacy
3 organizations; and

4 (4) other interested persons.

5 (d) The patient safety practices developed under Subsection
6 (b) must, at a minimum, require a hospital assigned a maternal level
7 of care designation under Section 241.182 to:

8 (1) screen patients for placenta accreta spectrum
9 disorder, if appropriate;

10 (2) manage patients with placenta accreta spectrum
11 disorder, including referring and transporting patients to a higher
12 level of care when clinically indicated;

13 (3) foster telemedicine medical services, referral,
14 and transport relationships with other hospitals assigned a
15 maternal level of care designation under Section 241.182 for the
16 treatment and management of placenta accreta spectrum disorder;

17 (4) address inpatient postpartum care for patients
18 diagnosed with placenta accreta spectrum disorder; and

19 (5) develop a written hospital preparedness and
20 management plan for patients with placenta accreta spectrum
21 disorder who are undiagnosed until delivery, including educating
22 hospital and medical staff who may be involved in the treatment and
23 management of placenta accreta spectrum disorder.

24 (e) In addition to implementing the patient safety
25 practices required by Subsection (d), a hospital assigned a level
26 IV maternal designation shall have available a multidisciplinary
27 team of health professionals who have:

1 (1) successfully completed training on developing a
2 team response to placenta accreta spectrum disorder; or

3 (2) experience as a team treating or managing placenta
4 accreta spectrum disorder.

5 (f) The team of health professionals described by
6 Subsection (e) may include anesthesiologists, obstetricians,
7 gynecologists, urologists, surgical specialists, interventional
8 radiologists, and other health professionals who are timely
9 available on urgent request to assist in attending to a patient with
10 placenta accreta spectrum disorder.

11 (g) The Perinatal Advisory Council, using data collected by
12 the department from available sources related to placenta accreta
13 spectrum disorder, shall recommend rules on patient safety
14 practices for the evaluation, diagnosis, treatment, management,
15 and reporting of placenta accreta spectrum disorder. The rules
16 adopted under this subsection from the council's recommendations
17 must be included in the patient safety practices a hospital
18 assigned a maternal level of care designation under Section [241.182](#)
19 is required to adopt under Subsection (d).

20 (h) Notwithstanding any other law, this section, including
21 the use of or failure to use any patient safety practices,
22 information, or materials developed or disseminated under this
23 section, does not create a civil, criminal, or administrative cause
24 of action or liability or create a standard of care, obligation, or
25 duty that provides a basis for a cause of action, and may not be
26 referred to or used as evidence in a health care liability claim
27 under Chapter [74](#), Civil Practice and Remedies Code.

1 SECTION 2. Section 241.187(h), Health and Safety Code, is
2 amended to read as follows:

3 (h) In developing the criteria for the levels of neonatal
4 and maternal care, the advisory council shall consider:

5 (1) any recommendations or publications of the
6 American Academy of Pediatrics and the American Congress of
7 Obstetricians and Gynecologists, including "Guidelines for
8 Perinatal Care";

9 (2) any guidelines developed by the Society of
10 Maternal-Fetal Medicine; ~~and~~

11 (3) the geographic and varied needs of citizens of
12 this state; and

13 (4) the patient safety practices adopted under Section
14 241.1837.

15 SECTION 3. (a) Not later than December 1, 2021:

16 (1) the Department of State Health Services, in
17 collaboration with the Perinatal Advisory Council established
18 under Section 241.187, Health and Safety Code, shall consult with
19 interested persons as required by Section 241.1837(c), Health and
20 Safety Code, as added by this Act; and

21 (2) the Department of State Health Services shall
22 collect and provide to the Perinatal Advisory Council the data
23 required by Section 241.1837(g), Health and Safety Code, as added
24 by this Act.

25 (b) Not later than August 1, 2022, the executive
26 commissioner of the Health and Human Services Commission shall
27 adopt rules for the patient safety practices for the treatment of

1 placenta accreta spectrum disorder as required by Section 241.1837,
2 Health and Safety Code, as added by this Act, based on the Perinatal
3 Advisory Council's recommendations as required by Section
4 241.1837(g), Health and Safety Code, as added by this Act.

5 (c) Not later than October 1, 2022, a hospital with a
6 maternal level of care designation as described by Section 241.182,
7 Health and Safety Code, shall adopt patient safety practices for
8 the treatment of placenta accreta spectrum disorder as required by
9 Section 241.1837, Health and Safety Code, as added by this Act.

10 (d) Notwithstanding Section 241.1837, Health and Safety
11 Code, as added by this Act, a hospital assigned a maternal level of
12 care designation under Section 241.182, Health and Safety Code, is
13 not required to comply with Section 241.1837 before January 1,
14 2023.

15 SECTION 4. This Act takes effect September 1, 2021.