

By: Deuell, Van de Putte

S.B. No. 330

A BILL TO BE ENTITLED

1 AN ACT

2 relating to stroke treatment and the designation of certain
3 facilities as stroke facilities.

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

5 SECTION 1. Section 773.001, Health and Safety Code, is
6 amended to read as follows:

7 Sec. 773.001. SHORT TITLE. This chapter may be cited as the
8 Emergency Health Care [~~Medical Services~~] Act.

9 SECTION 2. Section 773.003, Health and Safety Code, is
10 amended by amending Subdivision (7) and adding Subdivision (15-a)
11 to read as follows:

12 (7) "Department" means the [~~Texas~~] Department of State
13 Health Services.

14 (15-a) "Executive commissioner" means the executive
15 commissioner of the Health and Human Services Commission.

16 SECTION 3. Chapter 773, Health and Safety Code, is amended
17 by adding Subchapter H to read as follows:

18 SUBCHAPTER H. EMERGENCY STROKE SERVICES

19 Sec. 773.201. LEGISLATIVE INTENT. The legislature finds
20 that a strong system for stroke survival is needed in the state's
21 communities in order to treat stroke victims in a timely manner and
22 to improve the overall treatment of stroke victims. Therefore, the
23 legislature intends to construct an emergency treatment system in
24 this state so that stroke victims may be quickly identified and

1 transported to and treated in appropriate stroke treatment
2 facilities.

3 Sec. 773.202. DEFINITIONS. In this subchapter:

4 (1) "Advisory council" means the advisory council
5 established under Section 773.012.

6 (2) "Stroke committee" means the committee appointed
7 under Section 773.203.

8 (3) "Stroke facility" means a health care facility
9 designated under this subchapter that is capable of primary or
10 comprehensive treatment of stroke victims and that is part of an
11 emergency medical services and trauma system.

12 Sec. 773.203. STROKE COMMITTEE. (a) The advisory council
13 shall appoint a stroke committee to assist the advisory council in
14 the development of a statewide stroke plan.

15 (b) The stroke committee must include the following
16 members:

17 (1) a licensed physician appointed from a list of
18 physicians eligible for accreditation from the Accreditation
19 Council for Graduate Medical Education, recommended by a statewide
20 organization of neurologists;

21 (2) a licensed interventional neuroradiologist
22 appointed from a list of neuroradiologists recommended by a
23 statewide organization of radiologists;

24 (3) a neurosurgeon with stroke expertise;

25 (4) a member of the Texas Council on Cardiovascular
26 Disease and Stroke who has expertise in stroke care;

27 (5) a licensed physician appointed from a list of

1 physicians recommended by a statewide organization of emergency
2 physicians;

3 (6) a neuroscience registered nurse with stroke
4 expertise; and

5 (7) a volunteer member of a nonprofit organization
6 specializing in stroke treatment, prevention, and education.

7 (c) Chapter 2110, Government Code, does not apply to the
8 stroke committee.

9 Sec. 773.204. DUTIES OF STROKE COMMITTEE; DEVELOPMENT OF
10 STROKE PLAN. (a) The advisory council, with the assistance of the
11 stroke committee and in collaboration with the Texas Council on
12 Cardiovascular Disease and Stroke, shall develop a statewide stroke
13 plan and assist the department in developing stroke facility
14 designation criteria.

15 (b) The stroke plan must include:

16 (1) training requirements on stroke recognition and
17 treatment, including emergency screening procedures;

18 (2) a list of appropriate early treatments to
19 stabilize patients;

20 (3) protocols for rapid transport to a designated
21 facility when rapid transport is appropriate; and

22 (4) plans for coordination with statewide agencies or
23 committees on programs for stroke prevention and community
24 education regarding stroke.

25 Sec. 773.205. STROKE FACILITY DESIGNATION. (a) The
26 department shall designate stroke facilities that are a part of an
27 emergency medical services and trauma care system in accordance

1 with rules adopted by the executive commissioner.

2 (b) A health care facility may apply to the department for
3 designation as a stroke facility, and the department shall grant
4 the designation if the facility meets the requirements for
5 designation.

6 (c) The executive commissioner shall adopt rules regarding
7 the criteria necessary for a health care facility to be designated a
8 stroke facility. In adopting the rules, the executive commissioner
9 shall consult the criteria for stroke facilities established by
10 national medical organizations such as the Joint Commission on
11 Accreditation of Healthcare Organizations.

12 (d) The department may not set an arbitrary limit on the
13 number of health care facilities designated as stroke facilities.

14 (e) The rules for designation must require a health care
15 facility to:

16 (1) have a health care professional available 24 hours
17 a day, seven days a week who is knowledgeable about stroke care and
18 capable of carrying out acute stroke therapy; and

19 (2) record patient treatment and outcomes.

20 Sec. 773.206. USE OF DESIGNATION. After September 1, 2007,
21 a health care facility may not use the term "stroke facility,"
22 "stroke hospital," or "stroke center" or similar terminology in its
23 signs or advertisements or in printed materials and information the
24 health care facility provides to the public unless the health care
25 facility has been designated a stroke facility in accordance with
26 this subchapter.

27 Sec. 773.207. FEES. (a) The department shall charge a fee

1 in accordance with this section to a health care facility that
2 applies for initial or renewal designation as a stroke facility.

3 (b) To the extent feasible, the department shall establish a
4 schedule of fees as necessary for the department to recover the cost
5 directly related to designation of stroke facilities under this
6 subchapter.

7 (c) The department shall determine the amount of the fee for
8 initial or renewal designation for a health care facility according
9 to the number of beds in the facility.

10 Sec. 773.208. DENIAL, SUSPENSION, OR REVOCATION OF
11 DESIGNATION. (a) The department may deny, suspend, or revoke a
12 health care facility's designation as a stroke facility if the
13 facility fails to comply with the rules adopted under this
14 subchapter.

15 (b) The denial, suspension, or revocation of a designation
16 by the department and the appeal from that action are governed by
17 the department's rules for a contested case hearing and by Chapter
18 2001, Government Code.

19 Sec. 773.209. GRANT PROGRAMS. (a) The department shall
20 establish programs to award grants to initiate, expand, maintain,
21 and improve stroke care in accordance with Subsections (b) and (c).

22 (b) The department by rule shall establish eligibility
23 criteria for awarding grants to rural health care facilities
24 located in counties with a population of less than 250,000. The
25 rules must require the grant recipient to use grant funds only to:

26 (1) hire medical personnel trained in acute stroke
27 care;

1 (2) purchase medical equipment related to the
2 diagnosis, treatment, or prevention of stroke; and

3 (3) facilitate training in stroke care.

4 (c) The department by rule shall establish eligibility
5 criteria for awarding grants to assist designated stroke facilities
6 to maintain the designation. The rules must require the grant
7 recipient to use grant funds only to:

8 (1) purchase supplies, equipment, or vehicles for
9 stroke diagnosis, treatment, or prevention;

10 (2) pay designated stroke facility operating
11 expenses;

12 (3) cover stroke education and training expenses;

13 (4) purchase communication systems used in emergency
14 medical services;

15 (5) promote public awareness of stroke warning signs,
16 emergency treatment, and prevention; or

17 (6) cover the costs of uncompensated care related to
18 stroke.

19 (d) The department by rule must require each recipient of a
20 grant under Subsection (c) to:

21 (1) engage in stroke awareness campaigns;

22 (2) create stroke education materials aimed at
23 low-income or minority populations at risk of stroke; and

24 (3) provide mentoring for health care facilities
25 seeking stroke facility designation.

26 (e) Money in the fund for emergency medical services, trauma
27 facilities, and trauma care systems established under Section

1 773.006 and money in the designated trauma facility and emergency
2 medical services account established under Chapter 780 may not be
3 used to fund the grant programs under this subchapter.

4 (f) The department may use funds appropriated for the grant
5 programs to pay for administrative expenses incurred in
6 implementing the grant programs as provided by the General
7 Appropriations Act.

8 (g) The department may only use funds for the grants
9 described in this section specifically appropriated by the
10 legislature for this purpose.

11 SECTION 4. Subsection (a), Section 411.110, Government
12 Code, is amended to read as follows:

13 (a) The [~~Texas~~] Department of State Health Services is
14 entitled to obtain from the department criminal history record
15 information maintained by the department that relates to a person
16 who is:

17 (1) an applicant for a license or certificate under
18 the Emergency Health Care [~~Medical Services~~] Act (Chapter 773,
19 Health and Safety Code);

20 (2) an owner or manager of an applicant for an
21 emergency medical services provider license under that Act; or

22 (3) the holder of a license or certificate under that
23 Act.

24 SECTION 5. (a) Not later than January 1, 2006, the
25 advisory council established under Section 773.012, Health and
26 Safety Code, shall establish a stroke committee as required by
27 Section 773.203, Health and Safety Code, as added by this Act.

1 (b) Not later than January 1, 2007, the advisory council
2 established under Section 773.012, Health and Safety Code, shall
3 develop a statewide stroke plan and assist the Department of State
4 Health Services in developing criteria for stroke facility
5 designation as required by Section 773.204, Health and Safety Code,
6 as added by this Act.

7 (c) Not later than January 1, 2007, the executive
8 commissioner of the Health and Human Services Commission shall
9 adopt rules governing the designation of stroke facilities as
10 required by Section 773.205, Health and Safety Code, as added by
11 this Act.

12 (d) A health care facility may apply for designation as a
13 stroke facility on or after January 2, 2007.

14 SECTION 6. This Act takes effect September 1, 2005.