

## **BILL ANALYSIS**

H.B. 3473  
By: Delisi  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, only nursing facilities and hospitals are permitted under the Consent to Treatment Action (Chapter 313, Health & Safety Code) to obtain consent to medical treatment from an adult surrogate on behalf of an adult who is comatose, incapacitated, or otherwise mentally or physically incapable of communication.

HB 3473 would add home and community support services agencies to the Consent to Treatment Act. As the aged and disabled population receiving home care services continues to grow, agencies are encountering more situations where the patient themselves is unable to provide consent to the treatment to be provided by the home care agency, which can create delays in the initiation of services designed to keep them at home. This is sometimes seen in self-neglect cases that are referred to home care services by Adult Protective Services where direction is needed on who can act as an adult surrogate when immediate family cannot easily be located. HB 3473 would provide guidance and protection to home and community support services agencies who want to ensure that treatment decisions are made in the patient's best interest even if they are comatose, incapacitated, or otherwise mentally or physically incapable of communication.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

HB 3473 amends provisions relating to the Consent to Medical Treatment Act. The bill establishes who may provide consent for medical treatment if an adult patient of a home and community support services agency is comatose, incapacitated, or otherwise mentally or physically incapable of communication. The bill defines "home and community support services agency" to mean a facility licensed under Chapter 142, HOME AND COMMUNITY SUPPORT SERVICES, and expands the definition of "patient" to include a person who is receiving services from a home and community support services agency.

### **EFFECTIVE DATE**

September 1, 2007.