

BILL ANALYSIS

Senate Research Center

S.B. 27
By: Nelson
Health & Human Services
6/25/2007
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law requires written information to be provided to nursing home residents in regard to advance care directives and advance care planning, but it does not discuss an education program to enable staff and residents to address issues related to, and the potential importance of, these topics. A lack of education on advance directives may be one reason that only an estimated 25 percent of the population is using advanced directives.

S.B. 27 directs the Department of Aging and Disability Services to institute a pilot program to train nursing home staff to educate nursing home residents about advance care planning.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 3 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 531, Government Code, by adding Section 531.02443, as follows:

Sec. 531.02443. IMPLEMENTATION OF COMMUNITY LIVING OPTIONS INFORMATION PROCESS AT STATE INSTITUTIONS FOR CERTAIN ADULT RESIDENTS. (a) Defines "adult resident," "department," "legally authorized representative," "local mental retardation authority," and "state school."

(b) Provides that this section applies only to the community living options information process for an adult resident.

(c) Requires the Department of Aging and Disability Services (DADS) to contract with local mental retardation authorities to implement the community living options information process required by Section 531.02442 for an adult resident.

(d) Requires the contract with the local mental retardation authority to include certain information and make certain provisions.

(e) Requires DADS, with the advice and assistance of the interagency task force on ensuring appropriate care settings for persons with disabilities and representatives of family members or legally authorized representatives of adult residents, persons with mental retardation, state schools, and local mental retardation authorities, to take certain actions.

(f) Requires a state school to take certain actions relating to the local mental retardation authority.

SECTION 2. ADVANCE CARE PLANNING PILOT PROGRAM. Requires DADS to develop and implement a pilot program to educate residents of nursing homes and intermediate care facilities for the mentally retarded (residents) about advance care planning for the purpose of increasing the use of advance directives. Requires the pilot program to educate residents and the families of residents about advance care planning and associated legal issues, proper completion

of directives, the health care choices available to those with terminal or irreversible conditions, and the importance of discussing advance directives with certain parties.

SECTION 3. RULES. Requires the executive commissioner of the Health and Human Services Commission to adopt rules to implement the pilot program established under this Act.

SECTION 4. REPORT. Requires DADS, not later than October 1, 2010, to submit a report to certain elected officials which includes an evaluation of the effectiveness of the pilot program and a recommendation to continue, expand, or eliminate the pilot program.

SECTION 5. EXPIRATION. Provides that Sections 2, 3, and 4 of this Act and this section expire September 1, 2011.

SECTION 6. EFFECTIVE DATE. Effective date: upon passage or September 1, 2007.