

By: Wentworth

S.B. No. 1663

A BILL TO BE ENTITLED

AN ACT

relating to the disregard or violation of a resident's advance directive by a nursing institution; providing penalties.

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

SECTION 1. Section 242.0663, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) The department shall assess an administrative penalty under this subchapter against an institution that:

(1) violates Section 166.004; or

(2) knowingly disregards or violates a resident's advance directive.

(d) An action by a person, including an owner or employee of an institution, to knowingly disregard or violate a resident's advance directive constitutes abuse and neglect of the resident for purposes of this chapter.

SECTION 2. Section 242.122, Health and Safety Code, is amended by adding Subsection (d) to read as follows:

(d) For purposes of this section, "abuse and neglect" includes knowingly disregarding or violating a resident's advance directive.

SECTION 3. This Act takes effect September 1, 2009.