

1-1 By: Wentworth S.B. No. 1663  
1-2 (In the Senate - Filed March 10, 2009; March 20, 2009, read  
1-3 first time and referred to Committee on Health and Human Services;  
1-4 April 24, 2009, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 8, Nays 0; April 24, 2009,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1663 By: Nichols

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the disregard or violation of a resident's advance  
1-11 directive by a nursing institution; providing penalties.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 242.061, Health and Safety Code, is  
1-14 amended by adding Subsection (a-1) to read as follows:

1-15 (a-1) The department, after providing notice and  
1-16 opportunity for a hearing to a license holder, shall suspend or  
1-17 revoke a license if the department finds that the license holder has  
1-18 been assessed three or more administrative penalties for violating  
1-19 Section 242.0663(a)(2).

1-20 SECTION 2. Section 242.0663, Health and Safety Code, is  
1-21 amended by amending Subsection (a) and adding Subsection (d) to  
1-22 read as follows:

1-23 (a) The department shall assess an administrative penalty  
1-24 under this subchapter against an institution that:

1-25 (1) violates Section 166.004; or

1-26 (2) employs or has on staff a health care practitioner  
1-27 who knowingly disregards or violates a resident's advance directive  
1-28 if the institution has included a statement in its written policies  
1-29 maintained under Section 166.004 that the institution will follow a  
1-30 resident's advance directive.

1-31 (d) An action by a person, including an owner or employee of  
1-32 an institution, to knowingly disregard or violate a resident's  
1-33 advance directive in violation of a written policy maintained under  
1-34 Section 166.004 constitutes abuse and neglect of the resident for  
1-35 purposes of this chapter.

1-36 SECTION 3. Section 242.122, Health and Safety Code, is  
1-37 amended by adding Subsection (d) to read as follows:

1-38 (d) For purposes of this section, "abuse and neglect"  
1-39 includes knowingly disregarding or violating a resident's advance  
1-40 directive in violation of a written policy maintained under Section  
1-41 166.004.

1-42 SECTION 4. This Act takes effect September 1, 2009.

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