

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 10, 2009

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: SB1663 by Wentworth (Relating to the disregard or violation of a resident's advance directive by a nursing institution; providing penalties.), **As Introduced**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Health and Safety Code as it relates to the disregard or violation of a resident's advance directive by a nursing institution and provide penalties.

The bill would add an action by a person, including an owner or employee of an institution, to knowingly disregard or violate a resident's advance directive to the list of violations of laws relating to advance directives in Section 242.0663 and require the Department of Aging and Disability Services (DADS) to assess an administrative penalty against an institution that knowingly disregards or violates a resident's advance directive. The bill would also expand the definition of abuse and neglect to include knowingly disregarding or violating a resident's advance directive.

According to DADS, the provisions of the bill that relate to administrative penalties would likely not result in any significant fiscal impact on revenue.

The bill would take effect September 1, 2009.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 539 Aging and Disability Services, Department of

LBB Staff: JOB, CL, SJ, LR