

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 23, 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.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

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 also add an action by a person, including an owner or employee of an institution, to knowingly disregard or violate a resident's advance directive in violation of a written policy maintained under Section 166.004 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 employs or has on staff a health care practitioner who knowingly disregards or violates a resident's advance directive if the institution has included a statement in its written policies maintained under Section 166.004 that the institution would follow a resident's advance directive.

DADS, after providing notice and opportunity for a hearing to a license holder, would be required to suspend or revoke a license if the department finds that the license holder has been assessed three or more administrative penalties for violating the provisions of the bill. The bill would expand the definition of abuse and neglect in Chapter 242 to include knowingly disregarding or violating a resident's advance directive in violation of a written policy maintained under Section 166.004.

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, SJ, CL, LR