

By: White

H.B. No. 669

A BILL TO BE ENTITLED

AN ACT

relating to informing a patient concerning reconstructive breast surgery before performing certain surgical procedures.

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

SECTION 1. Subchapter A, Chapter 311, Health and Safety Code, is amended by adding Section 311.004 to read as follows:

Sec. 311.004. NOTICE FOR PATIENTS UNDERGOING CERTAIN BREAST SURGERY. (a) A hospital licensed under Chapter 241 that provides mastectomy surgery, lymph node dissection, or lumpectomy shall inform the patient concerning the option of reconstructive surgery following those procedures, including the availability of coverage for reconstructive surgery.

(b) The hospital shall provide the information required by Subsection (a):

(1) in writing; and

(2) before obtaining consent to the surgical procedure.

(c) The information required by Subsection (a) must include:

(1) a description of each reconstructive option for a patient and the advantages and disadvantages of each option;

(2) a description of the provisions assuring coverage by public and private insurance plans of the costs related to reconstructive surgery under federal and state law;

1 (3) a description of how a patient may access
2 reconstructive care, including:

3 (A) the possibility of transferring care to a
4 facility that provides reconstructive care; or

5 (B) choosing to pursue reconstruction after
6 completion of breast cancer surgery and further cancer treatments,
7 such as chemotherapy and radiation; and

8 (4) any other information required by the commissioner
9 of state health services.

10 (d) The executive commissioner of the Health and Human
11 Services Commission, on behalf of the Department of State Health
12 Services, shall adopt rules prescribing the form and contents of
13 the information required under this section.

14 SECTION 2. This Act takes effect January 1, 2012.