

By: Naishtat

H.B. No. 3146

A BILL TO BE ENTITLED

1 AN ACT
2 relating to consent for treatment for chemical dependency in a
3 treatment facility and required training for the facility's intake
4 personnel.

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

6 SECTION 1. Sections 462.009(e) and (g), Health and Safety
7 Code, are amended to read as follows:

8 (e) Consent given by a patient or by a person authorized by
9 law to consent to treatment on the patient's behalf for the
10 administration of a medication, therapy, or treatment is valid only
11 if:

12 (1) the consent is given voluntarily and without
13 coercive or undue influence;

14 (2) before administration of the medication, therapy,
15 or treatment, the treating physician or a psychologist, social
16 worker, professional counselor, or chemical dependency counselor
17 explains to the patient and to the person giving consent, in simple,
18 nontechnical language:

19 (A) the specific condition to be treated;

20 (B) the beneficial effects on that condition
21 expected from the medication, therapy, or treatment;

22 (C) the probable health and mental health
23 consequences of not consenting to the medication, therapy, or
24 treatment;

1 (D) the side effects and risks associated with
2 the medication, therapy, or treatment;

3 (E) the generally accepted alternatives to the
4 medication, therapy, or treatment, if any, and whether an
5 alternative might be appropriate for the patient; and

6 (F) the proposed course of the medication,
7 therapy, or treatment; and

8 (3) the informed consent is evidenced in the patient's
9 clinical record by a signed form prescribed by the commission for
10 this purpose or by a statement of the treating physician or the
11 psychologist, social worker, professional counselor, or chemical
12 dependency counselor that documents that consent was given by the
13 appropriate person and the circumstances under which the consent
14 was obtained.

15 (g) Consent given by a patient or by a person authorized by
16 law to consent to treatment on the patient's behalf applies to a
17 series of doses of medication or to multiple therapies or
18 treatments for which consent was previously granted. If the
19 treating physician or the psychologist, social worker,
20 professional counselor, or chemical dependency counselor obtains
21 new information relating to a medication, therapy, or treatment for
22 which consent was previously obtained, the physician or the
23 psychologist, social worker, professional counselor, or chemical
24 dependency counselor must explain the new information and obtain
25 new consent.

26 SECTION 2. Section 462.025(e), Health and Safety Code, is
27 amended to read as follows:

1 (e) In accordance with commission rule, a treatment
2 facility shall provide [~~annually~~] a minimum of eight hours of
3 inservice training regarding intake and assessment for persons who
4 will be conducting an intake or assessment for the facility. A
5 person may not conduct intake or assessments without having
6 completed the [~~initial and applicable annual~~] inservice training.

7 SECTION 3. This Act takes effect September 1, 2011.