

By: Harris

S.B. No. 1360

A BILL TO BE ENTITLED

AN ACT

relating to the treatment of tick-borne diseases.

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

SECTION 1. Subchapter B, Chapter 164, Occupations Code, is amended by adding Section 164.0511 to read as follows:

Sec. 164.0511. TREATMENT OF TICK-BORNE DISEASE; DISCIPLINARY ACTION PROHIBITED. (a) The board may not investigate or discipline a physician based solely on the physician's treatment of a patient's tick-borne disease if the physician has:

(1) personally performed, in good faith, a medical examination of the patient;

(2) informed the patient in writing of the patient's treatment options and the known risks of each option; and

(3) obtained informed written consent for the treatment option chosen by the patient.

(b) This section may not be construed as prohibiting the board from:

(1) investigating a complaint concerning a physician's compliance with Subsection (a) in the treatment of a patient's tick-borne disease; or

(2) disciplining a physician who:

(A) prescribes, administers, or dispenses a treatment therapy that is not supported by a school of medicine or thought;

1 (B) fails to monitor the ongoing care of a
2 patient receiving a treatment; or

3 (C) fails to keep complete and accurate records
4 of the diagnosis and treatment of a patient receiving a treatment.

5 SECTION 2. Subchapter J, Chapter 301, Occupations Code, is
6 amended by adding Section 301.4522 to read as follows:

7 Sec. 301.4522. TREATMENT OF TICK-BORNE DISEASE;
8 DISCIPLINARY ACTION PROHIBITED. (a) The board may not investigate
9 or discipline a nurse based solely on the nurse's treatment of a
10 patient's tick-borne disease if the nurse has:

11 (1) personally performed, in good faith, a medical
12 examination of the patient;

13 (2) informed the patient in writing of the patient's
14 treatment options and the known risks of each option; and

15 (3) obtained informed written consent for the
16 treatment option chosen by the patient.

17 (b) This section may not be construed as prohibiting the
18 board from:

19 (1) investigating a complaint concerning a nurse's
20 compliance with Subsection (a) in the treatment of a patient's
21 tick-borne disease; or

22 (2) disciplining a nurse who:

23 (A) prescribes, administers, or dispenses a
24 treatment therapy that is not supported by a school of medicine or
25 thought;

26 (B) fails to monitor the ongoing care of a
27 patient receiving a treatment; or

1 (C) fails to keep complete and accurate records
2 of the diagnosis and treatment of a patient receiving a treatment.

3 SECTION 3. Sections 164.0511 and 301.4522, Occupations
4 Code, as added by this Act, apply only to the investigation of a
5 complaint or a disciplinary action based on a complaint filed on or
6 after the effective date of this Act. The investigation of a
7 complaint or a disciplinary action based on a complaint filed
8 before that date is governed by the law in effect on the date the
9 complaint was filed, and that law is continued in effect for that
10 purpose.

11 SECTION 4. This Act takes effect September 1, 2011.