

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 3, 2011

TO: Honorable Lois W. Kolkhorst, Chair, House Committee on Public Health

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

IN RE: SB47 by Zaffirini (Relating to the pro re nata administration of psychoactive medications in certain residential health care facilities.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 576 of the Health and Safety Code by requiring the Health and Human Services Commission (HHSC) to adopt rules governing the pro re nata (PRN) administration of psychoactive medications to residents of facilities as defined by Health and Safety Code, Section 322.001. The rules must: 1) prohibit physicians from issuing drug orders for PRN psychoactive medications by injection to residents unless used in a psychiatric emergency, under a court order, or on a per request basis by a facility resident with certain limitations; 2) require physicians to document the use of the psychoactive medication in a psychiatric emergency in the medical record using specific behavioral and medical terms; and 3) prohibit the emergency administration of psychoactive medication by injection by a nurse who has not attended special training on the criteria that must be met to administer the medication.

The bill would require persons employed by the facility to attend a training program on a resident's consent and refusal of consent to treatment, as prescribed by HHSC rule. It is assumed that each agency impacted by this provision (the Department of Aging and Disability Services, the Department of Family and Protective Services, and the Department of State Health Services) will incorporate the training into their current training programs and therefore be able to absorb any costs associated with this provision.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 530 Family and Protective Services, Department of, 537 State Health Services, Department of, 539 Aging and Disability Services, Department of

LBB Staff: JOB, CL, MB, JF, NB, BM