

By: N. Gonzalez of El Paso

H.B. No. 831

A BILL TO BE ENTITLED

1 AN ACT

2 relating to consent to the administration of certain medications
3 provided to foster children.

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

5 SECTION 1. Section 266.001, Family Code, is amended by
6 adding Subdivision (6) to read as follows:

7 (6) "Psychotropic drug" has the meaning assigned by
8 Section 261.111.

9 SECTION 2. Section 266.004, Family Code, is amended by
10 adding Subsection (a-1) to read as follows:

11 (a-1) Consent to the administration of a psychotropic drug
12 is valid only if:

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

15 (2) the health care provider administering the
16 psychotropic drug or a person designated by that health care
17 provider provides the following information to the person
18 authorized by law to consent for the foster child:

19 (A) the specific condition to be treated;

20 (B) the beneficial effects on that condition
21 expected from the drug;

22 (C) the probable health and mental health
23 consequences of not consenting to the drug;

24 (D) the probable clinically significant side

1 effects and risks associated with the drug;

2 (E) the generally accepted alternatives to the
3 drug, if any, and the reasons the health care provider recommends
4 that the alternatives be rejected; and

5 (F) the proposed course of the drug;

6 (3) the person authorized by law to consent is
7 informed in writing that consent may be revoked; and

8 (4) the consent is evidenced in the foster child's
9 health passport or equivalent record by a signed form or statement
10 of the health care provider administering the psychotropic drug or
11 a person designated by that health care provider that documents
12 that consent was given by the appropriate person and the
13 circumstances under which the consent was obtained.

14 SECTION 3. The heading to Subchapter A, Chapter 266, Family
15 Code, is repealed.

16 SECTION 4. This Act takes effect September 1, 2013.