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H.B. No. 1874

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the Palliative Care Interdisciplinary Advisory Council.

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

SECTION 1. The legislature finds that:

(1) palliative care is person-centered, family-focused care that provides a patient with relief from the symptoms, pain, and stress of a serious illness;

(2) palliative care is provided by a team of physicians, nurses, and other health care specialists to ensure an additional layer of support to a patient during the treatment of a serious illness;

(3) palliative care is appropriate for a patient of any age and at any stage of a serious illness; and

(4) evidence shows that palliative care can reduce medical costs in addition to helping a patient recover from a serious illness more quickly and easily.

SECTION 2. Subtitle E, Title 2, Health and Safety Code, is amended by adding Chapter 118 to read as follows:

CHAPTER 118. PALLIATIVE CARE INTERDISCIPLINARY ADVISORY COUNCIL

Sec. 118.001. DEFINITION. In this chapter, "advisory council" means the Palliative Care Interdisciplinary Advisory Council established under this chapter.

Sec. 118.002. ESTABLISHMENT; PURPOSE. The commission shall

1 establish the Palliative Care Interdisciplinary Advisory Council
2 to assess the availability of patient-centered and family-focused
3 palliative care in this state.

4 Sec. 118.003. APPLICATION OF SUNSET ACT. The advisory
5 council is subject to Chapter 325, Government Code (Texas Sunset
6 Act). Unless continued in existence as provided by that chapter,
7 the advisory council is abolished and this chapter expires
8 September 1, 2019.

9 Sec. 118.004. MEMBERS. (a) The advisory council is
10 composed of the members appointed by the executive commissioner as
11 provided by this section.

12 (b) The advisory council must include:

13 (1) at least five physician members, including two who
14 are board certified in hospice and palliative care and one who is
15 board certified in pain management;

16 (2) three palliative care practitioner members,
17 including two advanced practice registered nurses who are board
18 certified in hospice and palliative care and one physician
19 assistant who has experience providing palliative care;

20 (3) four health care professional members, including a
21 nurse, a social worker, a pharmacist, and a spiritual care
22 professional, with:

23 (A) experience providing palliative care to
24 pediatric, youth, or adult populations;

25 (B) expertise in palliative care delivery in an
26 inpatient, outpatient, or community setting; or

27 (C) expertise in interdisciplinary palliative

1 care;

2 (4) at least three members with experience as an
3 advocate for patients and the patients' family caregivers and who
4 are independent of a hospital or other health care facility,
5 including at least one member who is a representative of an
6 established patient advocacy organization; and

7 (5) ex officio representatives of the commission or
8 another state agency as the executive commissioner determines
9 appropriate.

10 (c) Advisory council members serve at the pleasure of the
11 executive commissioner.

12 Sec. 118.005. TERMS; VACANCY. (a) An advisory council
13 member serves a four-year term.

14 (b) If a vacancy occurs on the advisory council, a person
15 shall be appointed to fill the vacancy for the unexpired term.

16 Sec. 118.006. OFFICERS. Advisory council members shall:

17 (1) elect a chair and a vice chair; and

18 (2) establish the duties of the chair and the vice
19 chair.

20 Sec. 118.007. MEETINGS. The executive commissioner shall
21 set a time and place for regular meetings, which must occur at least
22 twice each year.

23 Sec. 118.008. COMPENSATION AND REIMBURSEMENT. A member of
24 the advisory council may not receive compensation for service on
25 the advisory council but is entitled to reimbursement of the travel
26 expenses incurred by the member while conducting the business of
27 the advisory council, as provided by the General Appropriations

1 Act.

2 Sec. 118.009. DUTIES. The advisory council shall consult
3 with and advise the commission on matters related to the
4 establishment, maintenance, operation, and outcome evaluation of
5 the palliative care consumer and professional information and
6 education program established under Section 118.011.

7 Sec. 118.010. REPORT. Not later than October 1 of each
8 even-numbered year, the advisory council shall submit a biennial
9 report to the standing committees of the senate and the house of
10 representatives with primary jurisdiction over health matters on:

11 (1) the advisory council's assessment of the
12 availability of palliative care in this state for patients in the
13 early stages of serious disease;

14 (2) the advisory council's analysis of barriers to
15 greater access to palliative care; and

16 (3) the advisory council's analysis of the policies,
17 practices, and protocols in this state concerning patients' rights
18 related to palliative care, including:

19 (A) whether a palliative care team member may
20 introduce palliative care options to a patient without the consent
21 of the patient's attending physician;

22 (B) the practices and protocols for discussions
23 between a palliative care team member and a patient on
24 life-sustaining treatment or advance directives decisions; and

25 (C) the practices and protocols on informed
26 consent and disclosure requirements for palliative care services.

27 Sec. 118.011. INFORMATION AND EDUCATION PROGRAM. (a) The

1 commission, in consultation with the advisory council, shall
2 establish a statewide palliative care consumer and professional
3 information and education program to ensure that comprehensive and
4 accurate information and education about palliative care are
5 available to the public, health care providers, and health care
6 facilities.

7 (b) The commission shall make available on its Internet
8 website information and resources regarding palliative care,
9 including:

10 (1) links to external resources regarding palliative
11 care;

12 (2) continuing education opportunities for health
13 care providers;

14 (3) information about palliative care delivery in the
15 home, primary, secondary, and tertiary environments; and

16 (4) consumer educational materials regarding
17 palliative care, including hospice care.

18 Sec. 118.012. PROTECTIONS. Notwithstanding any other law,
19 the advisory council and the information and education program
20 established under this chapter do not create a cause of action or
21 create a standard of care, obligation, or duty that provides a basis
22 for a cause of action.

23 SECTION 3. Not later than December 1, 2015, the Health and
24 Human Services Commission shall establish the Palliative Care
25 Interdisciplinary Advisory Council and the executive commissioner
26 of the Health and Human Services Commission shall appoint the
27 advisory council members as required by Chapter 118, Health and

1 Safety Code, as added by this Act.

2 SECTION 4. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2015.