

By: Zerwas, Villalba, Kacal, Raney, et al.

H.B. No. 1874

Substitute the following for H.B. No. 1874:

By: Crownover

C.S.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) at least two advanced practice registered nurse
17 members who are board certified in hospice and palliative care;

18 (3) five health care professional members, including
19 nurses, social workers, pharmacists, and spiritual care
20 professionals, with:

21 (A) experience providing palliative care to
22 pediatric, youth, or adult populations;

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

25 (C) expertise in interdisciplinary palliative
26 care;

27 (4) at least three members with experience as an

1 advocate for patients and the patients' family caregivers and who
2 are independent of a hospital or other health care facility,
3 including at least one member who is a representative of an
4 established patient advocacy organization; and

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

8 (c) Advisory council members serve at the pleasure of the
9 executive commissioner.

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

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

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

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

16 (2) establish the duties of the chair and the vice
17 chair.

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

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

27 Sec. 118.009. DUTIES. The advisory council shall consult

1 with and advise the commission on matters related to the
2 establishment, maintenance, operation, and outcome evaluation of
3 the palliative care consumer and professional information and
4 education program established under Section 118.011.

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

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

12 (2) the advisory council's analysis of barriers to
13 greater access to palliative care.

14 Sec. 118.011. INFORMATION AND EDUCATION PROGRAM. (a) The
15 commission, in consultation with the advisory council, shall
16 establish a statewide palliative care consumer and professional
17 information and education program to ensure that comprehensive and
18 accurate information and education about palliative care are
19 available to the public, health care providers, and health care
20 facilities.

21 (b) The commission shall make available on its Internet
22 website information and resources regarding palliative care,
23 including:

24 (1) links to external resources regarding palliative
25 care;

26 (2) continuing education opportunities for health
27 care providers;

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

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

5 Sec. 118.012. PROTECTIONS. Notwithstanding any other law,
6 the advisory council and the information and education program
7 established under this chapter do not create a cause of action or
8 create a standard of care, obligation, or duty that provides a basis
9 for a cause of action.

10 SECTION 3. Not later than December 1, 2015, the Health and
11 Human Services Commission shall establish the Palliative Care
12 Interdisciplinary Advisory Council and the executive commissioner
13 of the Health and Human Services Commission shall appoint the
14 advisory council members as required by Chapter 118, Health and
15 Safety Code, as added by this Act.

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