

By: Zaffirini
(Lozano)

S.B. No. 1560

Substitute the following for S.B. No. 1560:

By: Raymond

C.S.S.B. No. 1560

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of chemical dependency treatment facilities and certain other facilities.

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

SECTION 1. Section 164.009(e), Health and Safety Code, is amended to read as follows:

(e) A chemical dependency facility may not represent or recommend that a prospective patient should be admitted to a facility for treatment unless and until:

(1) the prospective patient has been evaluated, in person, by a mental health professional; and

(2) a [the] mental health professional determines that the patient meets the facility's admission standards.

SECTION 2. Section 462.009, Health and Safety Code, is amended by adding Subsection (h) to read as follows:

(h) This section does not apply to a treatment facility licensed by the department under Chapter 464.

SECTION 3. Subchapter A, Chapter 462, Health and Safety Code, is amended by adding Sections 462.010, 462.011, 462.012, 462.013, and 462.014 to read as follows:

Sec. 462.010. CONSENT TO TREATMENT AT CERTAIN FACILITIES.

(a) A treatment facility licensed by the department under Chapter 464 may not provide treatment to a patient without the patient's legally adequate consent.

1 (b) The executive commissioner by rule shall prescribe
2 standards for obtaining a patient's legally adequate consent under
3 this section, including rules prescribing reasonable efforts to
4 obtain a patient's consent and requiring documentation for those
5 efforts.

6 Sec. 462.011. CONSENT TO MEDICATION. Consent to the
7 administration of prescription medication given by a patient
8 receiving treatment in a treatment facility licensed by the
9 department under Chapter 464 or by a person authorized by law to
10 consent on behalf of the patient is valid only if:

11 (1) the consent is given voluntarily and without
12 coercive or undue influence;

13 (2) the patient and, if appropriate, the patient's
14 representative authorized by law to consent on behalf of the
15 patient are informed in writing that consent may be revoked; and

16 (3) the consent is evidenced in the patient's clinical
17 record by a signed form prescribed by the treatment facility or by a
18 statement of the treating physician or a person designated by the
19 physician that documents that consent was given by the appropriate
20 person and the circumstances under which the consent was obtained.

21 Sec. 462.012. RIGHT TO REFUSE MEDICATION. (a) Each patient
22 receiving treatment in a treatment facility licensed by the
23 department under Chapter 464 has the right to refuse unnecessary or
24 excessive medication.

25 (b) Medication may not be used by the treatment facility:

26 (1) as punishment; or

27 (2) for the convenience of the staff.

1 Sec. 462.013. MEDICATION INFORMATION. (a) The executive
2 commissioner by rule shall require the treating physician of a
3 patient admitted to a treatment facility licensed by the department
4 under Chapter 464 or a person designated by the physician to provide
5 to the patient in the patient's primary language, if possible,
6 information relating to prescription medications ordered by the
7 physician.

8 (b) At a minimum, the required information must:

9 (1) identify the major types of prescription
10 medications; and

11 (2) specify for each major type:

12 (A) the conditions the medications are commonly
13 used to treat;

14 (B) the beneficial effects on those conditions
15 generally expected from the medications;

16 (C) side effects and risks associated with the
17 medications;

18 (D) commonly used examples of medications of the
19 major type; and

20 (E) sources of detailed information concerning a
21 particular medication.

22 (c) If the treating physician designates another person to
23 provide the information under Subsection (a), then, not later than
24 two working days after that person provides the information,
25 excluding weekends and legal holidays, the physician shall meet
26 with the patient and, if appropriate, the patient's representative
27 who provided consent for the administration of the medications

1 under Section 462.011, to review the information and answer any
2 questions.

3 (d) The treating physician or the person designated by the
4 physician shall also provide the information to the patient's
5 family on request, but only to the extent not otherwise prohibited
6 by state or federal confidentiality laws.

7 Sec. 462.014. LIST OF MEDICATIONS. (a) On the request of a
8 patient, a person designated by the patient, or the patient's legal
9 guardian or managing conservator, if any, the facility
10 administrator of a treatment facility licensed by the department
11 under Chapter 464 shall provide to the patient, the person
12 designated by the patient, and the patient's legal guardian or
13 managing conservator, a list of the medications prescribed for
14 administration to the patient while the patient is in the treatment
15 facility. The list must include for each medication:

16 (1) the name of the medication;

17 (2) the dosage and schedule prescribed for the
18 administration of the medication; and

19 (3) the name of the physician who prescribed the
20 medication.

21 (b) The list must be provided before the expiration of four
22 hours after the facility administrator receives a written request
23 for the list from the patient, a person designated by the patient,
24 or the patient's legal guardian or managing conservator, if any. If
25 sufficient time to prepare the list before discharge is not
26 available, the list may be mailed before the expiration of 24 hours
27 after discharge to the patient, the person designated by the

1 patient, and the patient's legal guardian or managing conservator.

2 (c) A patient or the patient's legal guardian or managing
3 conservator, if any, may waive the right of any person to receive
4 the list of medications while the patient is participating in a
5 research project if release of the list would jeopardize the
6 results of the project.

7 SECTION 4. Section 462.025(h)(4), Health and Safety Code,
8 is amended to read as follows:

9 (4) "Screening" means the process a treatment facility
10 uses to determine whether a prospective patient presents sufficient
11 signs, symptoms, or behaviors to warrant a more in-depth assessment
12 by a qualified professional after the patient is admitted.

13 SECTION 5. Section 462.025(h)(2), Health and Safety Code,
14 is repealed.

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