

## **BILL ANALYSIS**

S.B. 1565  
By: Kolkhorst  
Human Services  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties contend that certain state facilities need additional flexibility in terms of who to obtain advice and consent from when providing medical or dental treatment and services to facility residents when consent cannot be obtained. S.B. 1565 seeks to provide that needed flexibility and streamline the consent process to ensure timely treatment of residents by revising provisions regarding the persons from whom that advice and consent must be obtained.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 1565 amends the Health and Safety Code to change the persons on whose advice and consent the superintendent or director of a state facility for persons with mental illnesses or for persons with an intellectual disability is required to order medical treatment or services for a person admitted or committed to that facility's care under specified circumstances in which the applicable health and human services agency requests consent to perform the treatment or service and that consent cannot be obtained from three physicians licensed by the Texas Medical Board, at least one of whom is primarily engaged in the private practice of medicine, to three primary care providers, at least two of whom are physicians licensed by the medical board. The bill changes the persons on whose advice and consent a facility superintendent or director is required to order dental treatment or services for a person under those same circumstances from a dentist licensed by the State Board of Dental Examiners and two physicians licensed by the medical board, at least one of whom is primarily engaged in the private practice of medicine, to two dentists licensed by the dental board and one physician licensed by the medical board. The bill defines "primary care provider" for purposes of such medical and dental treatment as a health care professional who provides health care services to a defined population of residents, including a state-licensed physician, advanced practice registered nurse, or physician assistant.

### **EFFECTIVE DATE**

September 1, 2017.