

BILL ANALYSIS

Senate Research Center
85R21744 SMT-D

C.S.S.B. 1565
By: Kolkhorst
Health & Human Services
4/11/2017
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Section 551.041, Health and Safety Code, requires the Health and Human Services Commission to provide medical and dental treatment to a resident in a state run facility (state hospitals and state supported living centers) if medical or dental treatment is immediately needed, but individual or guardian consent cannot be obtained.

In these circumstances, the statute outlines the process for the director of the facility to seek advice from a set number of physicians and dentists to proceed with treatment. Since the original statute was adopted in 1991, the healthcare team has expanded to include additional healthcare providers, including advanced practice nurses and physician assistants.

S.B. 1565 seeks to streamline the medical/dental consent process to ensure timely treatment of residents while maintaining appropriate medical and dental supervision and oversight. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 1565 amends current law relating to the procedure for ordering medical or dental services for certain persons admitted to or committed to care at certain state facilities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 551.041, Health and Safety Code, by amending Subsection (c) and adding Subsection (e), as follows:

(c) Requires the superintendent or director of certain facilities, if the Department of State Health Services or the Department of Aging and Disability Services requests consent to perform medical or dental treatment from a person or the guardian of the person whose consent is considered necessary and a reply is not obtained immediately, or if there is no guardian or responsible relative of the person to whom a request can be made, to order:

(1) medical treatment or services for the person on the advice and consent of three primary care providers, at least two of whom are physicians licensed by the Texas Medical Board (TMB), rather than medical treatment or services for the person on the advice and consent of three physicians licensed by TMB, at least one of whom is primarily engaged in the private practice of medicine; or

(2) dental treatment or services for the person on the advice and consent of two dentists licensed by the Texas State Board of Dental Examiners (TSBDE) and of one physician licensed by TMB, rather than dental treatment or services for the person on the advice and consent of a dentist licensed by TSBDE and of two physicians licensed by TMB, at least one of whom is primarily engaged in the private practice of medicine.

(e) Defines “primary care provider.” Provides that the term includes a physician licensed by TMB, an advanced practice registered nurse licensed by the Texas Board of Nursing, and a physician assistant licensed by the Texas Physician Assistant Board.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2017.