86R24163 EAS-F

By:  Paddie H.B. No. 2050

Substitute the following for H.B. No. 2050:

By:  Klick C.S.H.B. No. 2050

A BILL TO BE ENTITLED

AN ACT

relating to consent requirements for the prescription of certain psychoactive medications to residents of nursing facilities and related institutions.

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

SECTION 1.  Section 242.505, Health and Safety Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c)  Subject to Subsection (c-1), consent [~~Consent~~] to the prescription of psychoactive medication given by a resident or by a person authorized by law to consent on behalf of the resident is valid only if:

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

(2)  the person prescribing the medication or that person's designee provided the following information, in a standard format approved by the department, to the resident and, if applicable, to the person authorized by law to consent on behalf of the resident:

(A)  the specific condition to be treated;

(B)  the beneficial effects on that condition expected from the medication;

(C)  the probable clinically significant side effects and risks associated with the medication; and

(D)  the proposed course of the medication;

(3)  the resident and, if appropriate, the person authorized by law to consent on behalf of the resident are informed in writing that consent may be revoked; and

(4)  the consent is evidenced in the resident's clinical record by:

(A)  a signed form prescribed by the facility or by a statement of the person prescribing the medication or that person's designee that documents that consent was given by the appropriate person and the circumstances under which the consent was obtained; and

(B)  the original or a copy of the written consent required by Subsection (c-1), if applicable.

(c-1)  In addition to the requirements of Subsection (c), consent to the prescription of an antipsychotic or neuroleptic medication is valid only if the consent to the prescription of that medication is given in writing, on a form prescribed by the department, by a resident or by a person authorized by law to consent on behalf of the resident.

SECTION 2.  This Act takes effect September 1, 2019.