

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

1 AN ACT
2 relating to consent requirements for the prescription of certain
3 psychoactive medications to residents of nursing facilities and
4 related institutions.

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

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

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

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

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

20 (A) the specific condition to be treated;

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

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

1 (D) the proposed course of the medication;

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

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

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

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

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

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