By: Paddie 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 Subsections (g), (h), and (i) to read as follows:

(c) Subject to Subsection (g), 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 (g), if applicable.

(g) In addition to the requirements of Subsection (c), consent to the prescription of an antipsychotic or neuroleptic medication is valid only if:

(1) the consent to the prescription of that medication is given in writing by a resident or by a person authorized by law to consent on behalf of the resident; and

(2) the person prescribing the medication or that person's designee provides the information listed in Subsection (h), 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.

(h) The information required under Subsection (g)(2) must include:

(1) the nature of the medication;

(2) the means of administering the medication, including:

(A) the dosage;

(B) the administration schedule;

(C) the method of delivery; and

(D) the expected duration of administration;

(3) the right of the resident or a person authorized by law to consent on behalf of the resident to refuse medication;

(4) the potential medical and clinical consequences of refusing the medication; and

(5) an explanation of treatment alternatives and the right of the resident or a person authorized by law to consent on behalf of the resident to choose such treatments.

(i) In addition to other requirements of this section, before administering an antipsychotic or neuroleptic medication, the facility shall inform the resident or a person authorized to consent on behalf of the resident about facility policies and procedures relating to consent and, on request of the resident or authorized person, shall make available a written copy of those policies and procedures.

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