

1-1 By: Paddie, Price (Senate Sponsor - Kolkhorst) H.B. No. 2050
 1-2 (In the Senate - Received from the House May 2, 2019;
 1-3 May 3, 2019, read first time and referred to Committee on Health &
 1-4 Human Services; May 16, 2019, reported favorably by the following
 1-5 vote: Yeas 9, Nays 0; May 16, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to consent requirements for the prescription of certain
 1-20 psychoactive medications to residents of nursing facilities and
 1-21 related institutions.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 242.505, Health and Safety Code, is
 1-24 amended by amending Subsection (c) and adding Subsections (c-1) and
 1-25 (c-2) to read as follows:

1-26 (c) Subject to Subsection (c-1), consent ~~[Consent]~~ to the
 1-27 prescription of psychoactive medication given by a resident or by a
 1-28 person authorized by law to consent on behalf of the resident is
 1-29 valid only if:

1-30 (1) the consent is given voluntarily and without
 1-31 coercive or undue influence;

1-32 (2) the person prescribing the medication, ~~[or]~~ that
 1-33 person's designee, or the facility's medical director provided the
 1-34 following information, in a standard format approved by the
 1-35 department, to the resident and, if applicable, to the person
 1-36 authorized by law to consent on behalf of the resident:

1-37 (A) the specific condition to be treated;

1-38 (B) the beneficial effects on that condition
 1-39 expected from the medication;

1-40 (C) the probable clinically significant side
 1-41 effects and risks associated with the medication; and

1-42 (D) the proposed course of the medication;

1-43 (3) the resident and, if appropriate, the person
 1-44 authorized by law to consent on behalf of the resident are informed
 1-45 in writing that consent may be revoked; and

1-46 (4) the consent is evidenced in the resident's
 1-47 clinical record by:

1-48 (A) a signed form prescribed by the facility or
 1-49 by a statement of the person prescribing the medication or that
 1-50 person's designee that documents that consent was given by the
 1-51 appropriate person and the circumstances under which the consent
 1-52 was obtained; and

1-53 (B) the original or a copy of the written consent
 1-54 required by Subsection (c-1), if applicable.

1-55 (c-1) In addition to the requirements of Subsection (c),
 1-56 consent to the prescription of an antipsychotic or neuroleptic
 1-57 medication is valid only if the consent to the prescription of that
 1-58 medication is given in writing, on a form prescribed by the
 1-59 commission, by a resident or by a person authorized by law to
 1-60 consent on behalf of the resident.

1-61 (c-2) Written consent provided by a resident or the

2-1 resident's legally authorized representative on the form described
2-2 by Subsection (c-1) is presumed to satisfy the consent requirements
2-3 of Subsection (c) and the disclosure requirements established by
2-4 the Texas Medical Disclosure Panel in Sections 74.103 and 74.105,
2-5 Civil Practice and Remedies Code.

2-6 SECTION 2. As soon as practicable after the effective date
2-7 of this Act, the executive commissioner of the Health and Human
2-8 Services Commission shall develop the form required by Section
2-9 242.505(c-1), Health and Safety Code, as added by this Act. In
2-10 developing the form, the commission shall consult with the Texas
2-11 Medical Disclosure Panel.

2-12 SECTION 3. This Act takes effect September 1, 2019.

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