

By: Johnson

S.B. No. 916

A BILL TO BE ENTITLED

AN ACT

relating to supportive palliative care.

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

SECTION 1. Subtitle G, Title 2, Health and Safety Code, is amended by adding Chapter 142A to read as follows:

CHAPTER 142A. SUPPORTIVE PALLIATIVE CARE SERVICES

Sec. 142A.0001. DEFINITION. In this chapter, "supportive palliative care" means physician-directed interdisciplinary patient- and family-centered care provided to a patient with a serious illness without regard to the patient's age or terminal prognosis that:

(1) may be provided concurrently with methods of treatment or therapies that seek to cure or minimize the effects of the patient's illness; and

(2) seeks to optimize the quality of life for a patient with a life-threatening or life-limiting illness and the patient's family through various methods, including methods that seek to:

(A) anticipate, prevent, and treat the patient's total suffering related to the patient's physical, emotional, social, and spiritual condition;

(B) address the physical, intellectual, emotional, cultural, social, and spiritual needs of the patient; and

(C) facilitate for the patient regarding

1 treatment options, education, informed consent, and expression of  
2 desires.

3 Sec. 142A.0002. REFERENCE IN OTHER LAW. Notwithstanding  
4 any other law, a reference in this code or other law to palliative  
5 care means supportive palliative care.

6 Sec. 142A.0003. STUDY. (a) The commission shall conduct a  
7 study to assess potential improvements to a patient's quality of  
8 care and health outcomes and to anticipated cost savings to this  
9 state from supporting the use of or providing Medicaid  
10 reimbursement to certain Medicaid recipients for supportive  
11 palliative care. The study must include an evaluation and  
12 comparison of other states that provide Medicaid reimbursement for  
13 supportive palliative care.

14 (b) The Palliative Care Interdisciplinary Advisory Council  
15 established under Chapter 118 shall provide to the commission  
16 recommendations on the structure of the study, including  
17 recommendations on identifying specific populations of Medicaid  
18 recipients, variables, and outcomes to measure in the study.

19 (c) The commission may collaborate with and solicit and  
20 accept gifts, grants, and donations from any public or private  
21 source for the purpose of funding the study.

22 (d) Not later than September 1, 2022, the commission shall  
23 provide to the Palliative Care Interdisciplinary Advisory Council  
24 the findings of the study. Not later than October 1, 2022, the  
25 advisory council shall include the findings of the study in the  
26 report required under Section 118.010.

27 (e) This section expires September 1, 2023.

1 SECTION 2. Section 142.001(15), Health and Safety Code, is  
2 amended to read as follows:

3 (15) "Hospice services" means services, including  
4 services provided by unlicensed personnel under the delegation of a  
5 registered nurse or physical therapist, provided to a client or a  
6 client's family as part of a coordinated program consistent with  
7 the standards and rules adopted under this chapter. These services  
8 include [~~palliative care for terminally ill clients and~~] support  
9 services for terminally ill patients [~~clients~~] and their families  
10 that:

11 (A) are available 24 hours a day, seven days a  
12 week, during the last stages of illness, during death, and during  
13 bereavement;

14 (B) are provided by a medically directed  
15 interdisciplinary team; and

16 (C) may be provided in a home, nursing home,  
17 residential unit, or inpatient unit according to need. These  
18 services do not include inpatient care normally provided in a  
19 licensed hospital to a terminally ill person who has not elected to  
20 be a hospice client.

21 SECTION 3. Section 142.001(20), Health and Safety Code, is  
22 repealed.

23 SECTION 4. The Health and Human Services Commission shall  
24 conduct the study required under Section 142A.0003, Health and  
25 Safety Code, as added by this Act, only if the commission receives a  
26 gift, grant, or donation or the legislature appropriates money  
27 specifically for that purpose. If the commission does not receive a

1 gift, grant, or donation and the legislature does not appropriate  
2 money specifically for that purpose, the commission may, but is not  
3 required to, conduct the study using other money available for that  
4 purpose.

5 SECTION 5. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2019.