

# SENATE AMENDMENTS

## 2<sup>nd</sup> Printing

By: Paddie, Price

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 Subsections (c-1) and  
8 (c-2) to 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 [~~or~~] that  
16 person's designee, or the facility's medical director provided the  
17 following information, in a standard format approved by the  
18 department, to the resident and, if applicable, to the person  
19 authorized by law to consent on behalf of 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 commission, by a resident or by a person authorized by law to  
19 consent on behalf of the resident.

20 (c-2) Written consent provided by a resident or the  
21 resident's legally authorized representative on the form described  
22 by Subsection (c-1) is presumed to satisfy the consent requirements  
23 of Subsection (c) and the disclosure requirements established by  
24 the Texas Medical Disclosure Panel in Sections 74.103 and 74.105,  
25 Civil Practice and Remedies Code.

26 SECTION 2. As soon as practicable after the effective date  
27 of this Act, the executive commissioner of the Health and Human

H.B. No. 2050

1 Services Commission shall develop the form required by Section  
2 242.505(c-1), Health and Safety Code, as added by this Act. In  
3 developing the form, the commission shall consult with the Texas  
4 Medical Disclosure Panel.

5 SECTION 3. This Act takes effect September 1, 2019.

ADOPTED

VV  
MAY 19 2019  
BY:

*Sally Spaw*  
Secretary of the Senate

*L. W. Keller*

FLOOR AMENDMENT NO. 1

1 Amend H.B. No. 2050 (senate committee printing) as follows:

2 (1) In the recital to SECTION 1 of the bill (page 1, lines 24  
3 and 25), strike "(c-1) and (c-2)" and substitute ""(c-1), (c-2),  
4 and (c-3)".

5 (2) In SECTION 1 of the bill, in added Section 242.505(c-2),  
6 Health and Safety Code (page 2, line 2), strike "is presumed to  
7 satisfy" and substitute "satisfies".

8 (3) In SECTION 1 of the bill, in added Section 242.505(c-2),  
9 Health and Safety Code (page 2, lines 3 through 5), strike "and  
10 the disclosure requirements established by the Texas Medical  
11 Disclosure Panel in Sections 74.103 and 74.105, Civil Practice and  
12 Remedies Code".

13 (4) In SECTION 1 of the bill, immediately following added  
14 Section 242.505(c-2), Health and Safety Code (page 2, between lines  
15 5 and 6), insert the following:

16 (c-3) There is a rebuttable presumption that the written  
17 consent provided by a resident or the resident's legally authorized  
18 representative on the form described by Subsection (c-1) satisfies  
19 the disclosure requirements established by the Texas Medical  
20 Disclosure Panel in Sections 74.104 and 74.105, Civil Practice and  
21 Remedies Code.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 20, 2019**

**TO:** Honorable Dennis Bonnen, Speaker of the House, House of Representatives

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2050** by Paddie (Relating to consent requirements for the prescription of certain psychoactive medications to residents of nursing facilities and related institutions. ), **As Passed 2nd House**

<b>No fiscal implication to the State is anticipated.</b>
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**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 529 Health and Human Services Commission

**LBB Staff:** WP, MNa, AKi, JQ

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 13, 2019**

**TO:** Honorable Lois W. Kolkhorst, Chair, Senate Committee on Health & Human Services

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2050** by Paddie (Relating to consent requirements for the prescription of certain psychoactive medications to residents of nursing facilities and related institutions.), **As Engrossed**

<b>No fiscal implication to the State is anticipated.</b>
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**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 529 Health and Human Services Commission

**LBB Staff:** WP, MNa, AKi, JQ

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**April 11, 2019**

**TO:** Honorable James B. Frank, Chair, House Committee on Human Services

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2050** by Paddie (Relating to consent requirements for the prescription of certain psychoactive medications to residents of nursing facilities and related institutions.),  
**Committee Report 1st House, Substituted**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 529 Health and Human Services Commission

**LBB Staff:** WP, AKi, JQ, MNa

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**March 16, 2019**

**TO:** Honorable James B. Frank, Chair, House Committee on Human Services

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2050** by Paddie (Relating to consent requirements for the prescription of certain psychoactive medications to residents of nursing facilities and related institutions.), **As Introduced**

<b>No fiscal implication to the State is anticipated.</b>
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**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 529 Health and Human Services Commission

**LBB Staff:** WP, AKi, JQ, MNa