

## **BILL ANALYSIS**

Senate Research Center  
87R13687 EAS-F

S.B. 1876  
By: Miles; Huffman  
Health & Human Services  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

During emergencies, many end stage renal disease facilities (ESRD), commonly known as dialysis centers, close their doors, leaving their patients with missed appointments and lack of access to needed dialysis care. While this is usually an issue caused by hurricanes and tropical storms, most recently this occurred during the unprecedented winter storm that struck Texas. When patients are unable to access their routine dialysis treatment, their conditions worsen, and they are generally forced to seek hospital care.

S.B. 1876 would require end stage renal disease facilities to adopt a written emergency preparedness and contingency operations plan. It would also amend the Utilities Code to prioritize power to ESRD facilities so that they are on par with hospitals, nursing homes, assisted living facilities, and hospices.

As proposed, S.B. 1876 amends current law relating to requiring an emergency operation plan for continued treatment of patients in an end stage renal disease facility in the event of a disaster and the prioritization of power restoration for those facilities during certain disasters.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Public Utility Commission of Texas is modified in SECTION 2 (Section 38.072, Utilities Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 251.014, Health and Safety Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Requires that the rules adopted under Section 251.003 (Adoption of Rules) contain minimum standards to protect the health and safety of a patient of an end stage renal disease facility, including standards for:

(1)-(7) makes no changes to these subdivisions;

(8) and (9) makes nonsubstantive changes to these subdivisions; and

(10) the continued treatment of patients during a state of disaster declared under Section 418.014 (Declaration of State of Disaster), Government Code, or a declaration of local disaster declared under Section 418.108 (Declaration of Local Disaster), Government Code, including the development and adoption of a comprehensive emergency operation plan.

(c) Requires that the emergency operation plan described by Subsection (a)(10):

(1) include a plan to communicate to a patient any changes in the patient's dialysis treatment schedule;

(2) include a plan to address patient transportation to and from the facility in the event of a disaster that obstructs or impairs roadways; and

(3) require a facility to execute a contract with one or more end stage renal disease facilities located within a 100-mile radius stipulating that each facility will provide dialysis treatment to patients of the other facility if necessary in the event of a disaster.

SECTION 2. Amends Sections 38.072(a) and (b), Utilities Code, as follows:

(a) Defines "end stage renal disease facility" for Section 38.072 (Priorities for Power Restoration to Certain Medical Facilities). Makes nonsubstantive changes.

(b) Requires the Public Utility Commission of Texas (PUC) by rule to require an electric utility to give to certain medical facilities the same priority that it gives to a hospital in the utility's emergency operations plan for restoring power after an extended power outage, including an end stage renal disease facility. Makes nonsubstantive changes.

SECTION 3. Requires each end stage renal disease facility, as soon as practicable after the effective date of this Act, to develop and implement an emergency operation plan under Section 251.014 (Minimum Standards), Health and Safety Code, as amended by this Act.

SECTION 4. Requires the PUC, as soon as practicable after the effective date of this Act, to adopt the rules required by Section 38.072, Utilities Code, as amended by this Act.

SECTION 5. Effective date: September 1, 2021.