87R4357 JG-D

By:  Johnson S.B. No. 292

A BILL TO BE ENTITLED

AN ACT

relating to supportive palliative care services.

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

SECTION 1.  Section 142A.0001, Health and Safety Code, is amended to read as follows:

Sec. 142A.0001.  DEFINITIONS [~~DEFINITION~~]. In this chapter:

(1)  "Family caregiver" means an individual who:

(A)  is a relative of an individual in need of supportive palliative care services;

(B)  assumes a major responsibility for the care and supervision of that individual; and

(C)  is not a professional or licensed supportive palliative care provider paid to care for that individual.

(2)  "Hospice services" has the meaning assigned by Section 142.001.

(3)  "Supportive[~~, "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:

(A) [~~(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

(B) [~~(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:

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

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

(iii) [~~(C)~~]  facilitate for the patient regarding treatment options, education, informed consent, and expression of desires.

SECTION 2.  Chapter 142A, Health and Safety Code, is amended by adding Sections 142A.0004, 142A.0005, and 142A.0006 to read as follows:

Sec. 142A.0004.  EDUCATIONAL MATERIALS ON SUPPORTIVE PALLIATIVE CARE. (a) The commission shall develop educational materials on supportive palliative care, including materials on the differences between supportive palliative care services and hospice services provided in accordance with Chapter 142 or other law.

(b)  The commission shall provide to interdisciplinary teams of supportive palliative care providers in this state and post on the commission's Internet website the educational materials developed under Subsection (a).

Sec. 142A.0005.  REQUIRED DISCLOSURE TO PATIENT OR PATIENT'S GUARDIAN OR AGENT. (a) At the time supportive palliative care services are initially provided to a patient, a supportive palliative care provider shall provide a written disclosure to the patient or, if the patient is incapacitated, the patient's legal guardian or agent under a medical power of attorney that provides:

(1)  advance care options, including information on supportive palliative care services and hospice services and the differences between those services; and

(2)  if applicable, advance directive options and information on executing an advance directive.

(b)  A supportive palliative care provider shall include in a patient's medical record a statement certifying the provider provided the written disclosure described by Subsection (a) to the patient or the patient's legal guardian or agent under a medical power of attorney, as applicable.

Sec. 142A.0006.  FAMILY CAREGIVER TRAINING AND SUPPORT. (a) The commission shall develop and implement policies to increase the training and capacity of health care and social service providers in recognizing and engaging with family caregivers and providing the family caregivers with:

(1)  written information on evidence-based services and supports for individuals in need of supportive palliative care services; and

(2)  referrals to supportive palliative care services in the local community.

(b)  To effectively support and incorporate family caregivers as part of a patient's care team, the commission shall, in consultation with and with the assistance of interdisciplinary teams of supportive palliative care providers:

(1)  provide to supportive palliative care providers in this state specific written educational information on the value of family caregivers as partners in delivering supportive palliative care services to patients;

(2)  develop and implement protocols to assess the degree of ability and availability of an individual to effectively serve as a family caregiver and participate in a patient's overall care;

(3)  in collaboration with social service providers and supportive palliative care coordinators, engage with, educate, and share available resources with family caregivers on supportive palliative care, including:

(A)  referrals to supportive palliative care services in the local community; and

(B)  information on applying for supportive palliative care services;

(4)  identify family caregiver health care and support needs;

(5)  assist family caregivers in obtaining necessary support by referring family caregivers to appropriate supportive palliative care information and services; and

(6)  develop a system for reimbursing leave or encouraging employers to provide paid leave to a family caregiver who is temporarily absent from a job while serving as a patient's family caregiver.

SECTION 3.  As soon as practicable after the effective date of this Act but not later than September 1, 2022, the Health and Human Services Commission shall develop the educational materials on supportive palliative care as required by Section 142A.0004, Health and Safety Code, as added by this Act, and develop and implement the policies, information, protocols, and systems as required by Section 142A.0006, Health and Safety Code, as added by this Act.

SECTION 4.  This Act takes effect September 1, 2021.