

BILL ANALYSIS

S.B. 1233
By: Hancock
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee that while perinatal palliative care is available, there is currently no requirement to fully inform parents about such specialized care, leaving many parents unaware of the services and locations or what those services entail. The bill sponsor has further informed the committee that as the lives of preborn children are no longer prematurely taken, parents who receive a life-threatening diagnosis for their child need to be properly informed about available care options that can support families who receive a difficult life-threatening diagnosis. S.B. 1233 seeks to ensure that parents are aware of available services for their child by mandating that parents be fully informed about the care options available, including a requirement for parents to certify they have been informed of such.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1233 amends the Health and Safety Code to require the Health and Human Services Commission (HHSC), in collaboration with the Department of State Health Services (DSHS) and the Palliative Care Interdisciplinary Advisory Council, to develop perinatal palliative care informational materials that include a description of the health care and other services available through perinatal palliative care and information about medical assistance benefits that may be available for prenatal care, childbirth, and perinatal palliative care. The bill requires HHSC to develop, regularly update, and publish a geographically indexed list of perinatal palliative care providers and programs in Texas which must include the name, physical address, and phone number of each provider or program. The bill authorizes HHSC to include the following entities in such a list:

- perinatal palliative care providers and programs in other states that provide care to Texas residents; and
- abortion providers, defined by reference as a facility where an abortion is performed, or an affiliate, as defined by reference to Government Code provisions regarding prohibited transactions with respect to state and local contracts and fund management, on the condition that the provider or affiliate performs abortions only during a medical emergency as defined under statutory provisions governing abortions.

The bill requires HHSC to post on HHSC's website the informational materials and the list of providers and programs, including the contact information, and to note the providers and programs that provide services free of charge. The bill requires HHSC, in collaboration with

DSHS, to develop a form on which a pregnant woman certifies she received the informational materials and the list of the providers and programs described by the bill's provisions.

S.B. 1233 requires a health care provider who diagnoses a pregnant woman's unborn child as having a life-threatening or life-limiting illness or medical condition to do the following at the time of the diagnosis:

- provide the pregnant woman with a written copy of:
 - the perinatal palliative care informational materials and list of the perinatal palliative care providers and programs; and
 - the perinatal palliative care certification form; and
- obtain from the pregnant woman the signed perinatal palliative care certification form and place the form in the pregnant woman's medical records.

A health care provider is not required to provide the perinatal palliative care informational materials or perinatal palliative care certification form under the bill's provisions if the health care provider verifies the pregnant woman's medical record contains a signed perinatal palliative care certification form for that pregnancy as required under the bill's provisions.

S.B. 1233 authorizes a pregnant woman, if a health care provider fails to provide to the woman the perinatal palliative care informational materials as required by the bill's provisions, to submit a complaint to HHSC in the form and manner HHSC prescribes. A health care provider who violates the bill's requirement to provide the pregnant woman with a written copy of the perinatal palliative care informational materials and list of perinatal palliative care providers and programs described by the bill and the perinatal palliative care certification form described by the bill is subject to disciplinary action by the state licensing agency that regulates the provider. The bill requires that agency, on determining the provider committed a violation, to issue a written warning to the provider for an initial violation and impose on the provider an administrative penalty in the amount of \$1,000 for each subsequent violation.

S.B. 1233 includes legislative findings as follows:

- the finding that palliative care is a critical form of care provided to alleviate the pain and suffering of individuals with severe life-threatening or life-limiting illnesses or medical conditions;
- the finding that in approximately two percent of pregnancies, the unborn child is diagnosed with a life-threatening or life-threatening illness or medical condition that may result in the child's death before or shortly after birth; and
- the finding that many of those children are born alive since the lives of unborn children are no longer prematurely taken by abortion in Texas.

The bill establishes that the purpose of its perinatal palliative care provisions is to ensure a pregnant woman whose unborn child is diagnosed with a life-threatening or life-limiting illness or medical condition is informed of the availability of perinatal palliative care.

S.B. 1233 defines the following for purposes of its provisions:

- "health care provider" by reference to statutory provisions governing the Texas Maternal Mortality and Morbidity Review Committee;
- "perinatal palliative care" as follows:
 - the provision of comprehensive, supportive care to reduce the suffering of a woman who is pregnant or delivers a child, her unborn child or infant, and her family, from diagnosis of the unborn child's life-threatening or life-limiting illness or medical condition through the duration of the perinatal period and possible death as a result of the illness or condition;
 - care which may be provided concurrently with methods of treatment or therapies that seek to cure or minimize the effects of the illness or condition;
 - includes medical, social, and mental health care, including counseling regarding treatment options, education, informed consent, and expression of desires, and health care provided by maternal-fetal medical specialists, obstetricians, neonatologists, anesthesia specialists, specialty nurses, clergy, social workers,

and other individuals focused on alleviating fear and pain and ensuring the woman, her unborn child or infant, and her family experience a supportive environment; and

- does not include an act or omission intended to cause or hasten an unborn child's death; and
- "perinatal period" as the period beginning at conception and ending on an infant's first birthday.

EFFECTIVE DATE

September 1, 2025.