

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1233
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Health & Human Services
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Perinatal palliative care is the means of providing comprehensive, supportive care to reduce the suffering of a pregnant woman, her unborn child, and her family, from diagnosis of the unborn child's life-threatening or life-limiting illness or medical condition until one year after birth. Such information and care is necessary because many pregnant women are unaware of the services available to ease the pain and suffering they may endure. This care may include decision guidance, relating to the quality of life for the unborn child; pain management; emotional support; physical comfort; grief counseling; and overall care assistance for the child. S.B. 1233 aims to make these resources more easily accessible to expectant mothers. It will require a health care provider to provide informational materials to the pregnant woman upon diagnosis. It will also require the Health and Human Services Commission (HHSC) to publish these same materials on their website.

Bill Analysis:

S.B. 1233 adds language to the Health and Safety Code that requires HHSC to develop perinatal palliative care informational materials. These materials will include medical assistance benefits and a geographically-indexed list of perinatal palliative care providers and programs across Texas and in nearby states, excluding abortion providers. It will also require HHSC to create a certification form for the pregnant woman to sign affirming they have received all necessary information regarding perinatal palliative care.

S.B. 1233 also adds language to require a health care provider who diagnoses a pregnant woman's unborn child to provide the pregnant woman with a written copy of informational materials and place the signed certification form in the pregnant woman's medical records. It also will state that healthcare providers who fail to provide this information are subject to disciplinary action, which could eventually result in an administrative penalty.

Committee Substitute:

The committee substitute for S.B. 1233 includes clarifications and changes to increase the effectiveness and understanding of the bill:

- Updates language throughout the bill to better align with current medical terminology. This also includes ensuring the definition of perinatal palliative care reflects what is common amongst the perinatal palliative care community with relation to timeline after birth.
- Clarifies what agencies will be involved in the development of materials, as well as sustained oversight regarding perinatal palliative care. This includes clarification of what is expected to be listed within the geographically-indexed list.
- Clarifies what facilities may be listed based on their type of care. This aims to capture the correct practices rather than mandating action amongst those unaffected.
- Clarifies the violation and enforcement mechanism.

C.S.S.B. 1233 amends current law relating to information regarding perinatal palliative care and creates an administrative penalty.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Authorizes this Act to be cited as the Perinatal Palliative Care Act.

SECTION 2. Provides that the legislature finds that:

(1) 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;

(2) in approximately two percent of pregnancies, the unborn child is diagnosed with a life-threatening or life-limiting illness or medical condition that may result in the child's death before or shortly after birth; and

(3) since the lives of unborn children are no longer prematurely taken by abortion in this state, many of the children described by Subdivision (2) are born alive.

SECTION 3. Amends Chapter 161, Health and Safety Code, by adding Subchapter Z, as follows:

SUBCHAPTER Z. PERINATAL PALLIATIVE CARE

Sec. 161.751. PURPOSE OF SUBCHAPTER. Sets forth the purpose of this subchapter.

Sec. 161.752. DEFINITIONS. Defines "health care provider," "perinatal palliative care," and "perinatal period."

Sec. 161.753. PERINATAL PALLIATIVE CARE INFORMATIONAL MATERIALS. (a) Requires the Health and Human Services Commission (HHSC), in collaboration with the Department of State Health Services (DSHS) and the Palliative Care Interdisciplinary Advisory Council established under Chapter 118 (Palliative Care Interdisciplinary Advisory Council), to develop perinatal palliative care informational materials and post the materials on HHSC's Internet website. Requires that the materials 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.

(b) Requires HHSC to develop, regularly update, and publish a geographically indexed list of all perinatal palliative care providers and programs in this state. Requires that the list include the name, physical address, and phone number of each provider or program. Authorizes HHSC to include perinatal palliative care providers and programs in other states that provide care to residents of this state but prohibits HHSC from including an abortion provider, as defined by Section 171.002 (Definitions), or an affiliate, as defined by Section 2273.001 (Definitions), Government Code, of an abortion provider unless the provider or affiliate performs abortions only during a medical emergency as defined by Section 171.002 (Definitions).

(c) Requires HHSC to post on HHSC's Internet website the list of perinatal palliative care providers and programs, including contact information, and note the providers and programs that provide services free of charge.

Sec. 161.754. PERINATAL PALLIATIVE CARE CERTIFICATION FORM. Requires HHSC, in collaboration with DSHS, to develop a form on which a pregnant woman certifies she received the perinatal palliative care informational materials and list of the perinatal palliative care providers and programs described by Section 161.753.

Sec. 161.755. HEALTH CARE PROVIDER DUTIES ON DIAGNOSIS OF PREBORN CHILD'S LIFE-THREATENING OR LIFE-LIMITING ILLNESS OR MEDICAL CONDITION. 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, at the time of the diagnosis:

- (1) 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 described by Section 161.753 and the perinatal palliative care certification form described by Section 161.754; and
- (2) obtain from the pregnant woman the signed perinatal palliative care certification form and place the form in the pregnant woman's medical records.

Sec. 161.756. EXCEPTION. Provides that a health care provider is not required to provide the perinatal palliative care informational materials or perinatal palliative care certification form under this subchapter 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 Section 161.755(2).

Sec. 161.757. COMPLAINTS; DISCIPLINARY ACTION; ADMINISTRATIVE PENALTY. (a) Authorizes a pregnant woman, if a health care provider fails to provide to the pregnant woman the perinatal palliative care informational materials as required by Section 161.755, to submit a complaint to HHSC in the form and manner HHSC prescribes.

- (b) Provides that a health care provider who violates Section 161.755 is subject to disciplinary action by the state licensing agency that regulates the provider. Requires the licensing agency, on determining the provider committed a violation, for an initial violation, issue a written warning to the provider and for each subsequent violation, impose on the provider an administrative penalty in the amount of \$1,000.

SECTION 4. Effective date: September 1, 2025.