

By: Swanson

H.B. No. 2684

A BILL TO BE ENTITLED

AN ACT

relating to information regarding perinatal palliative care;
creating an administrative penalty.

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

SECTION 1. This Act may be cited as the Perinatal Palliative Care Act.

SECTION 2. 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 disabilities or diseases;

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

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

SECTION 3. Chapter 161, Health and Safety Code, is amended by adding Subchapter Z to read as follows:

SUBCHAPTER Z. PERINATAL PALLIATIVE CARE

Sec. 161.751. PURPOSE OF SUBCHAPTER. The purpose of this subchapter is to ensure that a pregnant woman whose preborn child is diagnosed with a life-threatening disability is informed of the availability of perinatal palliative care.

1 Sec. 161.752. DEFINITIONS. In this subchapter:

2 (1) "Health care provider" has the meaning assigned by
3 Section 34.001.

4 (2) "Perinatal palliative care" means the provision of
5 comprehensive, supportive care to reduce the suffering of a
6 pregnant woman, her preborn child, and her family, from diagnosis
7 of the preborn child's life-threatening disability through the
8 child's delivery and possible death as a result of the
9 life-threatening disability. The term includes medical, social,
10 and mental health care, including counseling and health care
11 provided by maternal-fetal medical specialists, obstetricians,
12 neonatologists, anesthesia specialists, specialty nurses, clergy,
13 social workers, and other individuals focused on alleviating fear
14 and pain and ensuring the pregnant woman, her preborn child, and her
15 family experience a supportive environment. The term does not
16 include an act or omission intended to cause or hasten a preborn
17 child's death.

18 Sec. 161.753. PERINATAL PALLIATIVE CARE INFORMATIONAL
19 MATERIALS. (a) The commission shall develop perinatal palliative
20 care informational materials and post the materials on the
21 commission's Internet website. The materials must include:

22 (1) a description of the health care and other
23 services available through perinatal palliative care; and

24 (2) information about medical assistance benefits
25 that may be available for prenatal care, childbirth, and perinatal
26 palliative care.

27 (b) The commission shall develop, regularly update, and

1 publish a geographically indexed list of all perinatal palliative
2 care providers and programs in this state. The commission may
3 include perinatal palliative care providers and programs in other
4 states that provide care to residents of this state but may not
5 include an abortion provider, as defined by Section 171.002, or an
6 affiliate, as defined by Section 2273.001, Government Code, of an
7 abortion provider.

8 (c) The commission shall post on the commission's Internet
9 website the list of perinatal palliative care providers and
10 programs, including contact information, and note the providers and
11 programs that provide services free of charge.

12 Sec. 161.754. PERINATAL PALLIATIVE CARE CERTIFICATION
13 FORM. The commission shall develop a form on which a pregnant woman
14 certifies she received the perinatal palliative care informational
15 materials and list of the perinatal palliative care providers and
16 programs described by Section 161.753.

17 Sec. 161.755. HEALTH CARE PROVIDER DUTIES ON DIAGNOSIS OF
18 PREBORN CHILD'S LIFE-THREATENING DISABILITY. A health care
19 provider who diagnoses a pregnant woman's preborn child as having a
20 life-threatening disability shall, at the time of the diagnosis:

21 (1) provide the pregnant woman with a written copy of:

22 (A) the perinatal palliative care informational
23 materials and list of the perinatal palliative care providers and
24 programs described by Section 161.753; and

25 (B) the perinatal palliative care certification
26 form described by Section 161.754; and

27 (2) obtain from the pregnant woman the signed

1 perinatal palliative care certification form and place the form in
2 the pregnant woman's medical records.

3 Sec. 161.756. EXCEPTION. A health care provider is not
4 required to provide the perinatal palliative care informational
5 materials or perinatal palliative care certification form under
6 this subchapter if the health care provider verifies the pregnant
7 woman's medical record contains a signed perinatal palliative care
8 certification form for that pregnancy as required under Section
9 161.755(2).

10 Sec. 161.757. DISCIPLINARY ACTION; ADMINISTRATIVE PENALTY.
11 A health care provider who violates Section 161.755 is subject to
12 disciplinary action by the state licensing agency that regulates
13 the provider. On determining the provider committed a violation,
14 the agency shall:

15 (1) for an initial violation, issue a written warning
16 to the provider; and

17 (2) for each subsequent violation, impose on the
18 provider an administrative penalty in the amount of \$1,000.

19 SECTION 4. This Act takes effect September 1, 2025.