

1-1 By: Zerwas, et al. (Senate Sponsor - Huffman) H.B. No. 1874
 1-2 (In the Senate - Received from the House May 7, 2015;
 1-3 May 11, 2015, read first time and referred to Committee on Health
 1-4 and Human Services; May 20, 2015, reported favorably by the
 1-5 following vote: Yeas 7, Nays 0; May 20, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16			X	

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the establishment of the Palliative Care
 1-20 Interdisciplinary Advisory Council.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. The legislature finds that:

1-23 (1) palliative care is person-centered,
 1-24 family-focused care that provides a patient with relief from the
 1-25 symptoms, pain, and stress of a serious illness;

1-26 (2) palliative care is provided by a team of
 1-27 physicians, nurses, and other health care specialists to ensure an
 1-28 additional layer of support to a patient during the treatment of a
 1-29 serious illness;

1-30 (3) palliative care is appropriate for a patient of
 1-31 any age and at any stage of a serious illness; and

1-32 (4) evidence shows that palliative care can reduce
 1-33 medical costs in addition to helping a patient recover from a
 1-34 serious illness more quickly and easily.

1-35 SECTION 2. Subtitle E, Title 2, Health and Safety Code, is
 1-36 amended by adding Chapter 118 to read as follows:

1-37 CHAPTER 118. PALLIATIVE CARE INTERDISCIPLINARY ADVISORY COUNCIL

1-38 Sec. 118.001. DEFINITION. In this chapter, "advisory
 1-39 council" means the Palliative Care Interdisciplinary Advisory
 1-40 Council established under this chapter.

1-41 Sec. 118.002. ESTABLISHMENT; PURPOSE. The commission shall
 1-42 establish the Palliative Care Interdisciplinary Advisory Council
 1-43 to assess the availability of patient-centered and family-focused
 1-44 palliative care in this state.

1-45 Sec. 118.003. APPLICATION OF SUNSET ACT. The advisory
 1-46 council is subject to Chapter 325, Government Code (Texas Sunset
 1-47 Act). Unless continued in existence as provided by that chapter,
 1-48 the advisory council is abolished and this chapter expires
 1-49 September 1, 2019.

1-50 Sec. 118.004. MEMBERS. (a) The advisory council is
 1-51 composed of the members appointed by the executive commissioner as
 1-52 provided by this section.

1-53 (b) The advisory council must include:

1-54 (1) at least five physician members, including two who
 1-55 are board certified in hospice and palliative care and one who is
 1-56 board certified in pain management;

1-57 (2) three palliative care practitioner members,
 1-58 including two advanced practice registered nurses who are board
 1-59 certified in hospice and palliative care and one physician
 1-60 assistant who has experience providing palliative care;

1-61 (3) four health care professional members, including a

2-1 nurse, a social worker, a pharmacist, and a spiritual care
2-2 professional, with:

2-3 (A) experience providing palliative care to
2-4 pediatric, youth, or adult populations;

2-5 (B) expertise in palliative care delivery in an
2-6 inpatient, outpatient, or community setting; or

2-7 (C) expertise in interdisciplinary palliative
2-8 care;

2-9 (4) at least three members with experience as an
2-10 advocate for patients and the patients' family caregivers and who
2-11 are independent of a hospital or other health care facility,
2-12 including at least one member who is a representative of an
2-13 established patient advocacy organization; and

2-14 (5) ex officio representatives of the commission or
2-15 another state agency as the executive commissioner determines
2-16 appropriate.

2-17 (c) Advisory council members serve at the pleasure of the
2-18 executive commissioner.

2-19 Sec. 118.005. TERMS; VACANCY. (a) An advisory council
2-20 member serves a four-year term.

2-21 (b) If a vacancy occurs on the advisory council, a person
2-22 shall be appointed to fill the vacancy for the unexpired term.

2-23 Sec. 118.006. OFFICERS. Advisory council members shall:

2-24 (1) elect a chair and a vice chair; and
2-25 (2) establish the duties of the chair and the vice
2-26 chair.

2-27 Sec. 118.007. MEETINGS. The executive commissioner shall
2-28 set a time and place for regular meetings, which must occur at least
2-29 twice each year.

2-30 Sec. 118.008. COMPENSATION AND REIMBURSEMENT. A member of
2-31 the advisory council may not receive compensation for service on
2-32 the advisory council but is entitled to reimbursement of the travel
2-33 expenses incurred by the member while conducting the business of
2-34 the advisory council, as provided by the General Appropriations
2-35 Act.

2-36 Sec. 118.009. DUTIES. The advisory council shall consult
2-37 with and advise the commission on matters related to the
2-38 establishment, maintenance, operation, and outcome evaluation of
2-39 the palliative care consumer and professional information and
2-40 education program established under Section 118.011.

2-41 Sec. 118.010. REPORT. Not later than October 1 of each
2-42 even-numbered year, the advisory council shall submit a biennial
2-43 report to the standing committees of the senate and the house of
2-44 representatives with primary jurisdiction over health matters on:

2-45 (1) the advisory council's assessment of the
2-46 availability of palliative care in this state for patients in the
2-47 early stages of serious disease;

2-48 (2) the advisory council's analysis of barriers to
2-49 greater access to palliative care; and

2-50 (3) the advisory council's analysis of the policies,
2-51 practices, and protocols in this state concerning patients' rights
2-52 related to palliative care, including:

2-53 (A) whether a palliative care team member may
2-54 introduce palliative care options to a patient without the consent
2-55 of the patient's attending physician;

2-56 (B) the practices and protocols for discussions
2-57 between a palliative care team member and a patient on
2-58 life-sustaining treatment or advance directives decisions; and

2-59 (C) the practices and protocols on informed
2-60 consent and disclosure requirements for palliative care services.

2-61 Sec. 118.011. INFORMATION AND EDUCATION PROGRAM. (a) The
2-62 commission, in consultation with the advisory council, shall
2-63 establish a statewide palliative care consumer and professional
2-64 information and education program to ensure that comprehensive and
2-65 accurate information and education about palliative care are
2-66 available to the public, health care providers, and health care
2-67 facilities.

2-68 (b) The commission shall make available on its Internet
2-69 website information and resources regarding palliative care,

3-1 including:
3-2 (1) links to external resources regarding palliative
3-3 care;
3-4 (2) continuing education opportunities for health
3-5 care providers;
3-6 (3) information about palliative care delivery in the
3-7 home, primary, secondary, and tertiary environments; and
3-8 (4) consumer educational materials regarding
3-9 palliative care, including hospice care.

3-10 Sec. 118.012. PROTECTIONS. Notwithstanding any other law,
3-11 the advisory council and the information and education program
3-12 established under this chapter do not create a cause of action or
3-13 create a standard of care, obligation, or duty that provides a basis
3-14 for a cause of action.

3-15 SECTION 3. Not later than December 1, 2015, the Health and
3-16 Human Services Commission shall establish the Palliative Care
3-17 Interdisciplinary Advisory Council and the executive commissioner
3-18 of the Health and Human Services Commission shall appoint the
3-19 advisory council members as required by Chapter 118, Health and
3-20 Safety Code, as added by this Act.

3-21 SECTION 4. This Act takes effect immediately if it receives
3-22 a vote of two-thirds of all the members elected to each house, as
3-23 provided by Section 39, Article III, Texas Constitution. If this
3-24 Act does not receive the vote necessary for immediate effect, this
3-25 Act takes effect September 1, 2015.

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