

1-1 By: Price, et al. H.B. No. 2425
 1-2 (Senate Sponsor - Taylor of Collin)
 1-3 (In the Senate - Received from the House May 8, 2017;
 1-4 May 9, 2017, read first time and referred to Committee on Health &
 1-5 Human Services; May 16, 2017, reported favorably by the following
 1-6 vote: Yeas 7, Nays 1; May 16, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
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	X			

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to a requirement that a hospital allow a patient to
 1-21 designate a caregiver to receive aftercare instruction regarding
 1-22 the patient.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subtitle F, Title 4, Health and Safety Code, is
 1-25 amended by adding Chapter 317 to read as follows:

1-26 CHAPTER 317. DESIGNATION OF CAREGIVER FOR RECEIPT OF AFTERCARE
 1-27 INSTRUCTION

1-28 Sec. 317.001. DEFINITIONS. In this chapter:

1-29 (1) "Aftercare" means assistance provided by a
 1-30 designated caregiver to a person after that person's discharge from
 1-31 a hospital, as described by this chapter. The term includes
 1-32 assistance with tasks that are related to the person's condition at
 1-33 the time of that person's discharge from a hospital but does not
 1-34 include those tasks required to be performed by a licensed health
 1-35 care professional.

1-36 (2) "Designated caregiver" means an individual
 1-37 designated by a patient, including a relative, partner, friend, or
 1-38 neighbor, who:

1-39 (A) is at least 18 years of age;

1-40 (B) has a significant relationship with the
 1-41 patient; and

1-42 (C) will provide aftercare to the patient.

1-43 (3) "Discharge" means a patient's release from a
 1-44 hospital following an inpatient admission.

1-45 (4) "Hospital" means a general or special hospital
 1-46 licensed under Chapter 241 or exempt from licensure under Section
 1-47 241.004(3).

1-48 (5) "Patient" means a person that is receiving or has
 1-49 received health care services at a hospital.

1-50 (6) "Surrogate decision-maker" has the meaning
 1-51 assigned by Section 313.002.

1-52 Sec. 317.0015. APPLICABILITY. This chapter applies only to
 1-53 a patient who is:

1-54 (1) 18 years of age or older; or

1-55 (2) younger than 18 years of age who has had the
 1-56 disabilities of minority removed.

1-57 Sec. 317.002. DESIGNATION OF CAREGIVER. (a) On admission
 1-58 to a hospital or before the patient is discharged or transferred to
 1-59 another facility, the hospital shall provide the patient, the
 1-60 patient's legal guardian, or the patient's surrogate decision-maker
 1-61 the opportunity to designate a caregiver.

2-1 (b) If a patient, a patient's legal guardian, or a patient's
 2-2 surrogate decision-maker designates a caregiver, a hospital shall:
 2-3 (1) document in the patient's medical record:
 2-4 (A) the name, telephone number, and address of
 2-5 the patient's designated caregiver; and
 2-6 (B) the relationship of the designated caregiver
 2-7 to the patient; and
 2-8 (2) request written authorization from the patient,
 2-9 the patient's legal guardian, or the patient's surrogate
 2-10 decision-maker to disclose health care information to the patient's
 2-11 designated caregiver.

2-12 (c) If a patient, a patient's legal guardian, or a patient's
 2-13 surrogate decision-maker declines to designate a caregiver, the
 2-14 hospital shall promptly record in the patient's medical record that
 2-15 the patient, the patient's legal guardian, or the patient's
 2-16 surrogate decision-maker did not wish to designate a caregiver.

2-17 (d) If a patient, a patient's legal guardian, or a patient's
 2-18 surrogate decision-maker declines to give authorization to a
 2-19 hospital to disclose health care information to the designated
 2-20 caregiver, a hospital is not required to comply with Sections
 2-21 317.003 and 317.004.

2-22 (e) A patient, a patient's legal guardian, or a patient's
 2-23 surrogate decision-maker may change the patient's designated
 2-24 caregiver at any time, and the hospital must document the change in
 2-25 the patient's medical record.

2-26 (f) The designation of a person as the patient's caregiver
 2-27 does not obligate the person to serve as the patient's designated
 2-28 caregiver or to provide aftercare to the patient.

2-29 Sec. 317.003. NOTICE TO DESIGNATED CAREGIVER. (a) Except
 2-30 as provided by Section 317.002(d), as soon as possible before a
 2-31 patient's discharge or transfer to another facility but not later
 2-32 than the time the patient's attending physician issues a discharge
 2-33 order, a hospital shall notify the designated caregiver of the
 2-34 patient's discharge or transfer. The inability of the hospital to
 2-35 contact the designated caregiver may not interfere with, delay, or
 2-36 otherwise affect any medical care provided to the patient or the
 2-37 discharge of the patient.

2-38 (b) If the hospital is unable to contact the designated
 2-39 caregiver, the hospital shall promptly record in the patient's
 2-40 medical record that the hospital attempted to contact the
 2-41 designated caregiver.

2-42 Sec. 317.004. DISCHARGE PLAN. (a) Except as provided by
 2-43 Section 317.002(d), before a patient's discharge from a hospital,
 2-44 the hospital shall provide to the patient and designated caregiver
 2-45 a written discharge plan that describes the patient's aftercare
 2-46 needs.

2-47 (b) A discharge plan must include:
 2-48 (1) the name and contact information of the designated
 2-49 caregiver and the designated caregiver's relationship to the
 2-50 patient;

2-51 (2) a description of the aftercare tasks that the
 2-52 patient requires written in a manner that is culturally competent;
 2-53 and

2-54 (3) the contact information for any health care
 2-55 resources necessary to meet the patient's aftercare needs.

2-56 Sec. 317.005. INSTRUCTION IN AFTERCARE TASKS. Before a
 2-57 patient's discharge from the hospital to any setting in which
 2-58 health care services are not regularly provided to others, the
 2-59 hospital shall provide the designated caregiver instruction and
 2-60 training as necessary for the caregiver to perform aftercare tasks.

2-61 Sec. 317.006. RULES. The executive commissioner of the
 2-62 Health and Human Services Commission shall adopt rules necessary to
 2-63 implement this chapter.

2-64 Sec. 317.007. RIGHTS AND REMEDIES. (a) This chapter may
 2-65 not be construed to:

2-66 (1) interfere with the rights of an agent operating
 2-67 under a valid advance directive in accordance with Chapter 166; or

2-68 (2) alter, amend, revoke, or supersede any existing
 2-69 right or remedy granted under any other provision of law.

3-1 (b) This chapter does not create a private right of action
3-2 against:

3-3 (1) a hospital, a hospital employee, or a person in a
3-4 contractual relationship with a hospital; or

3-5 (2) a designated caregiver.

3-6 (c) A hospital, a hospital employee, or a person in a
3-7 contractual relationship with a hospital may not be held liable in
3-8 any way for services rendered or not rendered by a patient's
3-9 designated caregiver to the patient.

3-10 (d) A designated caregiver may not be reimbursed by a
3-11 government or commercial payer for aftercare assistance provided
3-12 under this chapter.

3-13 (e) Nothing in this chapter may be construed:

3-14 (1) to alter the obligation of an insurance company,
3-15 health service corporation, hospital service corporation, medical
3-16 service corporation, health maintenance organization, or other
3-17 entity issuing health benefit plans to provide coverage required
3-18 under a health benefit plan;

3-19 (2) to affect, impede, or otherwise disrupt or reduce
3-20 the reimbursement obligations of an insurance company, health
3-21 service corporation, hospital service corporation, medical service
3-22 corporation, health maintenance organization, or other entity
3-23 issuing health benefit plans; or

3-24 (3) to affect the time at which a patient may be
3-25 discharged or transferred from a hospital to another facility.

3-26 SECTION 2. This Act takes effect immediately if it receives
3-27 a vote of two-thirds of all the members elected to each house, as
3-28 provided by Section 39, Article III, Texas Constitution. If this
3-29 Act does not receive the vote necessary for immediate effect, this
3-30 Act takes effect September 1, 2017.

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