

BILL ANALYSIS

C.S.H.B. 1874
By: Zerwas
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties assert that palliative care, sometimes referred to as supportive care, has been shown to improve quality of life and survival rates, in addition to creating cost efficiencies. The parties further contend that a lack of understanding about palliative care remains one of the chief barriers preventing access to these services. C.S.H.B. 1874 seeks to increase awareness of and improve access to palliative care.

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

C.S.H.B. 1874 amends the Health and Safety Code to require the Health and Human Services Commission (HHSC) to establish the Palliative Care Interdisciplinary Advisory Council to assess the availability of patient-centered and family-focused palliative care in Texas. The bill sets out the composition of the advisory council and provides for terms, compensation, and reimbursement of advisory council members; filling a vacancy on the advisory council; the appointment of advisory council officers; and meeting and reporting requirements. The bill subjects the advisory council to the Texas Sunset Act and establishes that the advisory council and the information and education program established by the bill do not create a cause of action or create a standard of care, obligation, or duty that provides a basis for a cause of action. The bill requires HHSC to establish the advisory council and the executive commissioner of HHSC to appoint the advisory council members not later than December 1, 2015.

C.S.H.B. 1874 requires HHSC, in consultation with the advisory council, to establish a statewide palliative care consumer and professional information and education program to ensure that comprehensive and accurate information and education about palliative care is available to the public, health care providers, and health care facilities. The bill requires HHSC to make information and resources regarding palliative care available on its website and requires the advisory council to consult with and advise HHSC on matters related to the establishment, maintenance, operation, and outcome evaluation of the program.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1874 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill and does not indicate differences relating to changes made by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, which became effective April 2, 2015.

INTRODUCED

SECTION 1. The legislature finds that:

- (1) palliative care is person-centered, family-focused care that provides a patient with relief from the symptoms, pain, and stress of a serious illness;
- (2) palliative care is provided by a team of physicians, nurses, and other health care specialists in order to provide an additional layer of support to a patient during the treatment of a serious illness;
- (3) palliative care is appropriate for a patient of any age and at any stage of a serious illness; and
- (4) growing evidence shows that palliative care can reduce medical costs in addition to helping a patient recover from a serious illness more quickly and easily.

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

CHAPTER 118. PALLIATIVE CARE INTERDISCIPLINARY ADVISORY COUNCIL

Sec. 118.001. DEFINITIONS. In this chapter:

- (1) "Advisory council" means the Palliative Care Interdisciplinary Advisory Council established under this chapter.
- (2) "Commission" means the Health and Human Services Commission.
- (3) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

Sec. 118.002. ESTABLISHMENT; PURPOSE.

Sec. 118.003. APPLICATION OF SUNSET ACT.

Sec. 118.004. MEMBERS. (a) The advisory council is composed of the

HOUSE COMMITTEE SUBSTITUTE

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- (1) palliative care is person-centered, family-focused care that provides a patient with relief from the symptoms, pain, and stress of a serious illness;
- (2) palliative care is provided by a team of physicians, nurses, and other health care specialists to ensure an additional layer of support to a patient during the treatment of a serious illness;
- (3) palliative care is appropriate for a patient of any age and at any stage of a serious illness; and
- (4) evidence shows that palliative care can reduce medical costs in addition to helping a patient recover from a serious illness more quickly and easily.

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

CHAPTER 118. PALLIATIVE CARE INTERDISCIPLINARY ADVISORY COUNCIL

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

Sec. 118.002. ESTABLISHMENT; PURPOSE.

Sec. 118.003. APPLICATION OF SUNSET ACT.

Sec. 118.004. MEMBERS. (a) The advisory council is composed of the

members appointed by the executive commissioner as provided by this section.

(b) The advisory council must include:

(1) at least five physician members, including two who are board certified in hospice and palliative care;

(2) at least two advanced practice registered nurse members who are board certified in hospice and palliative care;

(3) seven health care professional members, including nurses, social workers, pharmacists, and spiritual care professionals, with:

(A) experience providing palliative care to pediatric, youth, or adult populations;

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

(C) expertise in interdisciplinary palliative care;

(4) at least one member with experience as an advocate for patients and family caregivers; and

(5) ex officio representatives of the commission or another state agency as the executive commissioner determines appropriate.

(c) Advisory council members serve at the pleasure of the executive commissioner.

Sec. 118.005. TERMS; VACANCY.

Sec. 118.006. OFFICERS.

Sec. 118.007. MEETINGS.

Sec. 118.008. COMPENSATION AND REIMBURSEMENT.

Sec. 118.009. DUTIES.

Sec. 118.010. REPORT.

Sec. 118.011. INFORMATION AND EDUCATION PROGRAM.

Sec. 118.012. PROTECTIONS. Notwithstanding any other law, this chapter does not create a cause of action or create a standard of care, obligation, or duty that

members appointed by the executive commissioner as provided by this section.

(b) The advisory council must include:

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

(2) at least two advanced practice registered nurse members who are board certified in hospice and palliative care;

(3) five health care professional members, including nurses, social workers, pharmacists, and spiritual care professionals, with:

(A) experience providing palliative care to pediatric, youth, or adult populations;

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

(C) expertise in interdisciplinary palliative care;

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

(5) ex officio representatives of the commission or another state agency as the executive commissioner determines appropriate.

(c) Advisory council members serve at the pleasure of the executive commissioner.

Sec. 118.005. TERMS; VACANCY.

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Sec. 118.009. DUTIES.

Sec. 118.010. REPORT.

Sec. 118.011. INFORMATION AND EDUCATION PROGRAM.

Sec. 118.012. PROTECTIONS. Notwithstanding any other law, the advisory council and the information and education program established under this chapter do

provides a basis for a cause of action.

not create a cause of action or create a standard of care, obligation, or duty that provides a basis for a cause of action.

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

SECTION 3. Same as introduced version.

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

SECTION 4. Same as introduced version.