

BILL ANALYSIS

Senate Research Center
81R31707 SJM-D

C.S.H.B. 392
By: Bohac et al. (Deuell)
Health & Human Services
5/8/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Centers for Disease Control and Prevention lists heart disease as the leading cause of death in Texas. A study conducted by the Texas Department of State Health Services shows that almost 30 percent of people age 65 and over suffer from cardiovascular disease. As the population of Texas grows in average age, the rate of cardiovascular disease may be expected to increase proportionately.

This bill ensures the readiness of the state's nursing home facilities for cardiovascular emergencies by requiring that automated external defibrillator units be made available at all times, but prohibits use of those defibrillators on a resident who has issued or executed an out-of-hospital do-not-resuscitate order.

C.S.H.B. 392 amends current law relating to the availability and use of automated external defibrillators in nursing homes and related institutions.

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. Amends Subchapter F, Chapter 242, Health and Safety Code, by adding Section 242.159, as follows:

Sec. 242.159. AUTOMATED EXTERNAL DEFIBRILLATORS. (a) Requires an institution to have available for use at the institution an automated external defibrillator, as defined by Section 779.001 (Definition), and to comply with training, use, and notification requirements of Chapter 779 (Automated External Defibrillators).

(b) Authorizes an institution that does not have funds available for purposes of Subsection (a) to solicit gifts, grants, or donations to purchase or maintain an automated external defibrillator for use at the institution.

(c) Prohibits an institution from using an automated external defibrillator to treat a resident of the institution who has issued or executed an out-of-hospital do-not-resuscitate order under Subchapter C (Out-of-Hospital Do-Not-Resuscitate Orders), Chapter 166 (Advance Directives).

(d) Provides that Section 74.151(a) (relating to certain persons not being liable for civil damages for an act performed during an emergency unless the act is wilfully or wantonly negligent), Civil Practice and Remedies Code, applies to administration of emergency care using an automated external defibrillator by an employee or volunteer at an institution, notwithstanding Section 74.151(b) (relating to exempting certain types of care from provisions in this section), Civil Practice and Remedies Code.

(e) Requires an institution to employ at least one person who is trained in the proper use of an automated external defibrillator.

(e-1) Provides that an institution is not required to comply with Subsections (a) and (e) until September 1, 2012. Provides that this subsection expires January 1, 2013.

SECTION 2. Effective date: September 1, 2009.