

## **BILL ANALYSIS**

Senate Research Center  
82R9455 YDB-F

S.B. 1206  
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Health & Human Services  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Legislation enacted by the 81st Legislature led to the licensing of freestanding emergency medical care facilities by the Department of State Health Services (DSHS). These facilities meet the emergency medical care needs of the state's growing population. In addition to offering high quality and efficient care in convenient neighborhood locations, freestanding emergency medical care facilities are capable of providing services to patients that they may have a difficult time finding in their primary care physician's office or even at a hospital.

DSHS's freestanding emergency medical care facility rules currently limit the scope of services provided in these facilities to those that are defined as purely "emergency services." Emergency departments in licensed hospitals are not subject to such a restriction. S.B. 1206 clarifies that freestanding emergency medical care facilities should be allowed to provide services permitted under a health care professional's scope of practice.

Some of the services S.B. 1206 would allow include physical examinations, flu shots and other vaccinations, and intravenous injections for treating certain conditions. An increasing number of physician's offices are no longer offering certain types of vaccinations due to low volume and reimbursement factors. Freestanding emergency medical care facilities are positioned to offer many types of vaccines. Furthermore, some freestanding emergency medical care facilities are able to administer intravenous injections for cancer patients who either do not have a primary care provider or who have a primary care provider who lacks the proper equipment to administer the injections.

As proposed, S.B. 1206 amends current law relating to medical care and health care services provided by a health care professional in a licensed freestanding emergency medical care facility.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission is modified in SECTION 1 (Section 254.002) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 254, Health and Safety Code, as added by Chapter 1273 (H.B. 1357), Acts of the 81st Legislature, Regular Session, 2009, by adding Section 254.002, as follows:

Sec. 254.002. APPLICABILITY OF CHAPTER; LIMITATION ON RULEMAKING AUTHORITY. (a) Prohibits this chapter from being construed as prohibiting a licensed health care professional from providing in a freestanding emergency medical care facility licensed under this chapter medical care or a health care service, including care or a service that is considered emergency care under this chapter, that is within the scope of the health care professional's license and is authorized under other law.

(b) Prohibits the executive commissioner of the Health and Human Services Commission (executive commissioner), in adopting rules under Section 254.151(a) (requiring the executive commissioner to adopt rules necessary to

implement this chapter, including certain minimum standards), from adopting a rule that conflicts with Subsection (a).

SECTION 2. Effective date: upon passage or September 1, 2011.