

BILL ANALYSIS

Senate Research Center
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S.B. 1360
By: Harris, Hinojosa
Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The incidence of Lyme disease and related tick-borne diseases in Texas is increasing at a steady rate. There are two internationally recognized standards of care for treating Lyme disease: one from the Infectious Diseases Society of America (IDSA) and the other from the International Lyme and Associated Diseases Society (ILADS).

Although the Texas Constitution prohibits the Texas Medical Board (TMB) and the Texas Board of Nursing (BON) from giving preference to any one standard of care, both boards have demonstrated a bias for the IDSA standard of care. Because medical practitioners who treat using the ILADS standard of care have become targets for board investigations, S.B. 1360 aims to prohibit TMB and BON from disciplining a medical practitioner solely for his or her choice of treatment, provided that the treatment conforms with a standard of care from an established school of medicine, the practitioner informs the patient of the available treatment options and their risks, and the patient provides his or her written informed consent for the selected treatment.

This proposed legislation does not interfere with either board's ability to investigate or discipline medical practitioners for any other reason. It fully preserves the state's legitimate right to protect Texans.

As proposed, S.B. 1360 amends current law relating to the treatment of tick-borne diseases.

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 B, Chapter 164, Occupations Code, by adding Section 164.0511, as follows:

Sec. 164.0511. TREATMENT OF TICK-BORNE DISEASE; DISCIPLINARY ACTION PROHIBITED. (a) Prohibits the Texas Medical Board (TMB) from investigating or disciplining a physician based solely on the physician's treatment of a patient's tick-borne disease if the physician has:

- (1) personally performed, in good faith, a medical examination of the patient;
- (2) informed the patient in writing of the patient's treatment options and the known risks of each option; and
- (3) obtained informed written consent for the treatment option chosen by the patient.

(b) Prohibits this section from being construed as prohibiting TMB from:

- (1) investigating a complaint concerning a physician's compliance with Subsection (a) in the treatment of a patient's tick-borne disease; or
- (2) disciplining a physician who prescribes, administers, or dispenses a treatment therapy that is not supported by a school of medicine or thought, fails to monitor the ongoing care of a patient receiving a treatment, or fails to keep complete and accurate records of the diagnosis and treatment of a patient receiving a treatment.

SECTION 2. Amends Subchapter J, Chapter 301, Occupations Code, by adding Section 301.4522, as follows:

Sec. 301.4522. TREATMENT OF TICK-BORNE DISEASE; DISCIPLINARY ACTION PROHIBITED. (a) Prohibits the Texas Board of Nursing (BON) from investigating or disciplining a nurse based solely on the nurse's treatment of a patient's tick-borne disease if the nurse has:

- (1) personally performed, in good faith, a medical examination of the patient;
- (2) informed the patient in writing of the patient's treatment options and the known risks of each option; and
- (3) obtained informed written consent for the treatment option chosen by the patient.

(b) Prohibits this section from being construed as prohibiting BON from:

- (1) investigating a complaint concerning a nurse's compliance with Subsection (a) in the treatment of a patient's tick-borne disease; or
- (2) disciplining a nurse who prescribes, administers, or dispenses a treatment therapy that is not supported by a school of medicine or thought, fails to monitor the ongoing care of a patient receiving a treatment, or fails to keep complete and accurate records of the diagnosis and treatment of a patient receiving a treatment.

SECTION 3. Makes application of Sections 164.0511 and 301.4522, Occupations Code, as added by this Act, prospective.

SECTION 4. Effective date: September 1, 2011.