

## **BILL ANALYSIS**

Senate Research Center

H.B. 1874  
By: Zerwas et al. (Huffman)  
Health & Human Services  
5/14/2015  
Engrossed

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

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. H.B. 1874 seeks to increase awareness of and improve access to palliative care.

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.

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.

H.B. 1874 amends current law relating to the establishment of the Palliative Care Interdisciplinary Advisory Council.

### **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. Provides that the legislature finds that palliative care is person-centered, family-focused care that provides a patient with relief from the symptoms, pain, and stress of a serious illness; 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; palliative care is appropriate for a patient of any age and at any stage of a serious illness; and 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. Amends Subtitle E, Title 2, Health and Safety Code, by adding Chapter 118, as follows:

CHAPTER 118. PALLIATIVE CARE INTERDISCIPLINARY ADVISORY  
COUNCIL

Sec. 118.001. DEFINITION. Defines, in this chapter, "advisory council."

Sec. 118.002. ESTABLISHMENT; PURPOSE. Requires the Health and Human Services Commission (HHSC) to establish the Palliative Care Interdisciplinary Advisory Council (advisory council) to assess the availability of patient-centered and family-focused palliative care in this state.

Sec. 118.003. APPLICATION OF SUNSET ACT. Provides that the advisory council is subject to Chapter 325, Government Code (Texas Sunset Act). Provides that unless continued in existence as provided by that chapter, the advisory council is abolished and this chapter expires September 1, 2019.

Sec. 118.004. MEMBERS. (a) Provides that the advisory council is composed of the members appointed by the executive commissioner of HHSC (executive commissioner) as provided by this section.

(b) Requires the advisory council to 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) three palliative care practitioner members, including two advanced practice registered nurses who are board certified in hospice and palliative care and one physician assistant who has experience providing palliative care;

(3) four health care professional members, including a nurse, a social worker, a pharmacist, and a spiritual care professional, 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 HHSC or another state agency as the executive commissioner determines appropriate.

(c) Provides that advisory council members serve at the pleasure of the executive commissioner.

Sec. 118.005. TERMS; VACANCY. (a) Provides that an advisory council member serves a four-year term.

(b) Requires a person to be appointed to fill the vacancy for the unexpired term, if a vacancy occurs on the advisory council.

Sec. 118.006. OFFICERS. Requires advisory council members to elect a chair and a vice chair and establish the duties of the chair and the vice chair.

Sec. 118.007. MEETINGS. Requires the executive commissioner to set a time and place for regular meetings, which must occur at least twice each year.

Sec. 118.008. COMPENSATION AND REIMBURSEMENT. Prohibits a member of the advisory council from receiving compensation for service on the advisory council but provides that a member is entitled to reimbursement of the travel expenses incurred by the member while conducting the business of the advisory council, as provided by the General Appropriations Act.

Sec. 118.009. DUTIES. Requires the advisory council to consult with and advise HHSC on matters related to the establishment, maintenance, operation, and outcome evaluation of the palliative care consumer and professional information and education program established under Section 118.011.

Sec. 118.010. REPORT. Requires the advisory council, not later than October 1 of each even-numbered year, to submit a biennial report to the standing committees of the senate and the house of representatives with primary jurisdiction over health matters on:

- (1) the advisory council's assessment of the availability of palliative care in this state for patients in the early stages of serious disease;
- (2) the advisory council's analysis of barriers to greater access to palliative care; and
- (3) the advisory council's analysis of the policies, practices, and protocols in this state concerning patients' rights related to palliative care, including:
  - (A) whether a palliative care team member may introduce palliative care options to a patient without the consent of the patient's attending physician;
  - (B) the practices and protocols for discussions between a palliative care team member and a patient on life-sustaining treatment or advance directives decisions; and
  - (C) the practices and protocols on informed consent and disclosure requirements for palliative care services.

Sec. 118.011. INFORMATION AND EDUCATION PROGRAM. (a) 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 are available to the public, health care providers, and health care facilities.

- (b) Requires HHSC to make available on its Internet website information and resources regarding palliative care, including links to external resources regarding palliative care, continuing education opportunities for health care providers; information about palliative care delivery in the home, primary, secondary, and tertiary environments, and consumer educational materials regarding palliative care, including hospice care.

Sec. 118.012. PROTECTIONS. Provides that notwithstanding any other law, the advisory council and the information and education program established under this chapter 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.

SECTION 3. Requires HHSC, not later than December 1, 2015, to establish the advisory council and requires the executive commissioner to appoint the advisory council members as required by Chapter 118, Health and Safety Code, as added by this Act.

SECTION 4. Effective date: upon passage or September 1, 2015.