

By: Johnson

S.B. No. 292

A BILL TO BE ENTITLED

AN ACT

relating to supportive palliative care services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 142A.0001, Health and Safety Code, is amended to read as follows:

Sec. 142A.0001. DEFINITIONS [~~DEFINITION~~]. In this chapter:

(1) "Family caregiver" means an individual who:

(A) is a relative of an individual in need of supportive palliative care services;

(B) assumes a major responsibility for the care and supervision of that individual; and

(C) is not a professional or licensed supportive palliative care provider paid to care for that individual.

(2) "Hospice services" has the meaning assigned by Section 142.001.

(3) "Supportive [~~,"supportive~~] palliative care" means physician-directed interdisciplinary patient- and family-centered care provided to a patient with a serious illness without regard to the patient's age or terminal prognosis that:

(A) [~~(1)~~] may be provided concurrently with methods of treatment or therapies that seek to cure or minimize the effects of the patient's illness; and

(B) [~~(2)~~] seeks to optimize the quality of life for a patient with a life-threatening or life-limiting illness and

1 the patient's family through various methods, including methods
2 that seek to:

3 (i) [~~(A)~~] anticipate, prevent, and treat
4 the patient's total suffering related to the patient's physical,
5 emotional, social, and spiritual condition;

6 (ii) [~~(B)~~] address the physical,
7 intellectual, emotional, cultural, social, and spiritual needs of
8 the patient; and

9 (iii) [~~(C)~~] facilitate for the patient
10 regarding treatment options, education, informed consent, and
11 expression of desires.

12 SECTION 2. Chapter [142A](#), Health and Safety Code, is amended
13 by adding Sections 142A.0004, 142A.0005, and 142A.0006 to read as
14 follows:

15 Sec. 142A.0004. EDUCATIONAL MATERIALS ON SUPPORTIVE
16 PALLIATIVE CARE. (a) The commission shall develop educational
17 materials on supportive palliative care, including materials on the
18 differences between supportive palliative care services and
19 hospice services provided in accordance with Chapter [142](#) or other
20 law.

21 (b) The commission shall provide to interdisciplinary teams
22 of supportive palliative care providers in this state and post on
23 the commission's Internet website the educational materials
24 developed under Subsection (a).

25 Sec. 142A.0005. REQUIRED DISCLOSURE TO PATIENT OR PATIENT'S
26 GUARDIAN OR AGENT. (a) At the time supportive palliative care
27 services are initially provided to a patient, a supportive

1 palliative care provider shall provide a written disclosure to the
2 patient or, if the patient is incapacitated, the patient's legal
3 guardian or agent under a medical power of attorney that provides:

4 (1) advance care options, including information on
5 supportive palliative care services and hospice services and the
6 differences between those services; and

7 (2) if applicable, advance directive options and
8 information on executing an advance directive.

9 (b) A supportive palliative care provider shall include in a
10 patient's medical record a statement certifying the provider
11 provided the written disclosure described by Subsection (a) to the
12 patient or the patient's legal guardian or agent under a medical
13 power of attorney, as applicable.

14 Sec. 142A.0006. FAMILY CAREGIVER TRAINING AND SUPPORT. (a)
15 The commission shall develop and implement policies to increase the
16 training and capacity of health care and social service providers
17 in recognizing and engaging with family caregivers and providing
18 the family caregivers with:

19 (1) written information on evidence-based services
20 and supports for individuals in need of supportive palliative care
21 services; and

22 (2) referrals to supportive palliative care services
23 in the local community.

24 (b) To effectively support and incorporate family
25 caregivers as part of a patient's care team, the commission shall,
26 in consultation with and with the assistance of interdisciplinary
27 teams of supportive palliative care providers:

1 (1) provide to supportive palliative care providers in
2 this state specific written educational information on the value of
3 family caregivers as partners in delivering supportive palliative
4 care services to patients;

5 (2) develop and implement protocols to assess the
6 degree of ability and availability of an individual to effectively
7 serve as a family caregiver and participate in a patient's overall
8 care;

9 (3) in collaboration with social service providers and
10 supportive palliative care coordinators, engage with, educate, and
11 share available resources with family caregivers on supportive
12 palliative care, including:

13 (A) referrals to supportive palliative care
14 services in the local community; and

15 (B) information on applying for supportive
16 palliative care services;

17 (4) identify family caregiver health care and support
18 needs;

19 (5) assist family caregivers in obtaining necessary
20 support by referring family caregivers to appropriate supportive
21 palliative care information and services; and

22 (6) develop a system for reimbursing leave or
23 encouraging employers to provide paid leave to a family caregiver
24 who is temporarily absent from a job while serving as a patient's
25 family caregiver.

26 SECTION 3. As soon as practicable after the effective date
27 of this Act but not later than September 1, 2022, the Health and

1 Human Services Commission shall develop the educational materials
2 on supportive palliative care as required by Section 142A.0004,
3 Health and Safety Code, as added by this Act, and develop and
4 implement the policies, information, protocols, and systems as
5 required by Section 142A.0006, Health and Safety Code, as added by
6 this Act.

7 SECTION 4. This Act takes effect September 1, 2021.