

BILL ANALYSIS

C.S.H.B. 2050
By: Paddie
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There are concerns that nursing home residents may be receiving antipsychotic or neuroleptic medications without a medical need and often without the resident's or the resident's legal representative's consent. It has been suggested that these powerful drugs may pose serious or life-threatening risks when administered to certain residents, especially those with dementia. C.S.H.B. 2050 seeks to address this issue by revising consent requirements for the prescription of these medications to residents of nursing facilities and related institutions.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2050 amends the Health and Safety Code to include the following as conditions on the validity of consent by a resident of a convalescent or nursing facility or related institution to the prescription of an antipsychotic or neuroleptic medication:

- consent to the prescription is given in writing by the resident or by a person authorized by law to consent on the resident's behalf on a form prescribed by the Health and Human Services Commission (HHSC); and
- if applicable, consent is evidenced in the resident's clinical record by the original or a copy of the written consent.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2050 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute requires the written consent of the resident or authorized person to be on a form prescribed by HHSC.

The substitute does not include as a condition on the validity of consent the condition that the prescriber of the medication or the prescriber's designee provide certain specified information to the resident and applicable authorized person. The substitute does not include requirements for a facility to inform the resident or authorized person about the facility's consent policies and procedures before administering the medication, and to make a written copy of those policies and procedures available on request.