

## **BILL ANALYSIS**

Senate Research Center

C.S.H.B. 1615  
By: Brown (Ogden)  
Health & Human Services  
5/12/2011  
Committee Report (Substituted)

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

C.S.H.B. 1615 is filed in the memory of Nathan Michael King, who died when left unsupervised after a day-care facility administered a medication that had not been approved by his parents. The bill seeks to prevent such tragedies from occurring in the future by prohibiting certain employees and volunteers of certain child-care facilities from administering a medication to a child without permission from the child's parent or guardian and providing penalties for persons who violate this prohibition.

C.S.H.B. 1615 amends current law relating to the administering of medications to children in certain facilities and provides criminal penalties.

### **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. Requires that this Act be known as Nathan's Law.

SECTION 2. Amends Subchapter C, Chapter 42, Human Resources Code, by adding Section 42.065, as follows:

Sec. 42.065. ADMINISTERING MEDICATION. (a) Defines, in this section, "medication."

(b) Provides that this section applies only to a day-care center, group day-care home, before-school or after-school program, school-age program, or family home regardless of whether the facility or program is licensed, registered, or listed.

(c) Prohibits a director, owner, operator, caretaker, employee, or volunteer of a child-care facility subject to this section from administering a medication to a child unless:

(1) the child's parent or guardian has submitted to the child-care facility a signed and dated document that authorizes the facility to administer the medication for not longer than one year; and

(2) the authorized medication is administered as stated on the label directions or as amended in writing by a practitioner, as defined by Section 551.003 (Definitions), Occupations Code, and is not expired.

(d) Authorizes a director, owner, operator, caretaker, employee, or volunteer of a child-care facility subject to this section, notwithstanding Subsection (c)(1), to administer medication to a child under this section without a signed authorization if the child's parent or guardian:

(1) submits to the child-care facility an authorization in an electronic format that is capable of being viewed and saved; or

(2) authorizes the child-care facility by telephone to administer a single dose of a medication.

(e) Provides that an authorization under Subsection (d)(1) expires on the first anniversary of the date the authorization is provided to the child-care facility.

(f) Provides that this section does not apply to a person that administers a medication to a child in a medical emergency to prevent the death or serious bodily injury of the child if the medication is administered as prescribed, directed, or intended.

(g) Provides that a person commits an offense if the person administers a medication to a child in violation of this section. Provides that if conduct constituting an offense under this section also constitutes an offense under a section of the Penal Code, the actor may be prosecuted under either section or both sections.

(h) Provides that an offense under this section is a Class A misdemeanor.

SECTION 3. Effective date: September 1, 2011.