

## **BILL ANALYSIS**

Senate Research Center

S.B. 2133  
By: Miles  
Health & Human Services  
6/27/2023  
Enrolled

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

Many dialysis patients depend on public transportation or contracted medical transportation services in order to get to the dialysis facility. During a declared disaster, transportation is limited for many, including dialysis patients. Currently, emergency medical service providers are not required to have alternative modes of transportation for dialysis patients during the declared disasters. Declared disasters often divert resources to the emergency. This places dialysis patients at risk of missing lifesaving treatment, which is typically required 3-5 times a week.

This bill proposes amending the Health and Safety Code regarding transportation procedures for certain end stage renal disease facility patients during a declared disaster. Emergency medical service providers will be required to adopt and implement a plan for providing alternative modes of transportation for a dialysis patients to and from their home and their dialysis center. This is to address the patient's need for transportation to their appointment when their normal mode of transportation is unavailable.

The committee substitute changes the requirement to submit the emergency plan to the Department of State Health Services. The change requires EMS to simply create a plan. Additionally, the substitute clarifies that the bill only applies to 911 calls with 911 emergencies prioritized.

S.B. 2133 amends current law relating to emergency planning for the transportation of certain end stage renal disease facility patients during a declared disaster.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 773.050, Health and Safety Code) of this bill.

Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission is rescinded in SECTION 2 (Section 773.112, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 773.050, Health and Safety Code, by adding Subsection (j), as follows:

(j) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) by rule, consistent with the rules adopted under Section 773.112 (Rules), to require that each applicable emergency medical services provider have a plan for providing a dialysis patient who places an emergency 9-1-1 telephone call during a declared disaster an alternative mode of transportation directly to and from an outpatient end stage renal disease facility if the patient's normal and alternative modes of transportation cannot be used during the disaster. Authorizes an emergency medical services provider's plan under this subsection to prioritize providing transportation for a patient suffering from an acute emergency condition over transportation for a dialysis patient. Defines "disaster" and "end stage renal disease facility."

SECTION 2. Repealer: Section 773.112(d) (relating to requiring the executive commissioner by rule to require that each applicable emergency medical services medical director approve protocols that give preference to the emergency transfer of a dialysis patient from the patient's location directly to an outpatient end stage renal disease facility during a declared disaster), Health and Safety Code.

SECTION 3. Effective date: September 1, 2023.