



TEXAS DEPARTMENT OF STATE HEALTH SERVICES

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COMMISSIONER

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Dear Healthcare Provider:

The purpose of this letter is to advise you of the passage of House Bill (HB) 635, HB 3074 and Senate Bill (SB) 373 during the 84th Regular Session of the Texas Legislature regarding the regulation of licensed hospitals and certain freestanding emergency medical care facilities that became effective September 1, 2015.

HB 635 relates to the disposition of certain fetal remains; and amends Subchapter A, General Provisions, Chapter 241, Hospitals, Health and Safety Code (HSC), by adding Section 241.010, as follows:

- Requires a hospital to release the remains of an unintended, intrauterine fetal death on the request of a parent of the unborn child, in a manner appropriate under law and the hospital's policy for disposition of a human body.
- If the remains of an unintended, intrauterine fetal death weigh less than 350 grams, requires a hospital to release the remains on the request of a parent of the unborn child, in a manner that is appropriate under law and consistent with hospital policy.

HB 3074 relates to the provision of artificially administered nutrition and hydration and life-sustaining treatment; and amends Chapter 166, Advance Directives Act, HSC, as follows:

- Provides clarifying language with respect to artificially administered nutrition and hydration, healthcare providers, the patient's medical record and the review process made by the hospital ethics or medical committee.
- Requires that artificial nutrition and hydration be provided to a patient unless it hastens the patient's death; exacerbates life-threatening medical problems not outweighed by the medical benefit; causes substantial irremediable pain that cannot be relieved and is not outweighed by the medical benefit; is medically ineffective in prolonging life; or is in conflict with the patient's documented wishes.
- Requires that in addition to the written decision that the continuance of treatment is not medically appropriate, the patient's medical record must also be provided to the patient or person responsible for the patient, before triggering the 10-day period after which the attending physician, another physician, and the health care facility are no longer obligated to provide life-sustaining treatment to the patient.

- The change in law made to the Act applies only to a review, consultation, disagreement, or other action relating to a health care or treatment decision made on or after April 1, 2016.

SB 373 relates to increased oversight by the Department of State Health Services (department) of hospitals that commit certain violations; and amends Subchapter C, Enforcement, Chapter 241, HSC, by adding Section 241.0555, Additional Requirements: Potentially Preventable Adverse Events, as follows:

- If the department finds that a hospital has committed a violation that resulted in a potentially preventable adverse event reportable under Chapter 98, HSC, the department shall require the hospital to develop and implement a plan for approval by the department to address the deficiencies that may have contributed to the preventable adverse event.
- The department may require the plan under this section to include staff training and education; supervision requirements for certain staff; increased staffing requirements; increased reporting to the department; and a review and amendment of hospital policies relating to patient safety.
- The department shall carefully and frequently monitor the hospital's adherence to the plan and enforce compliance.

DSHS will begin enforcement of the new laws under HB 635 and SB 373, effective immediately. Failure to comply with these laws will result in a deficiency citation and possible adverse disciplinary action.

DSHS will begin enforcement of the new law under HB 3074 on April 1, 2016. Failure to comply with this law at that time will result in a deficiency citation and possible adverse disciplinary action.

If you have additional questions regarding HB 635, HB 3074 or SB 373, please contact Allison Hughes, R.N., at (512) 834-6700.

Sincerely,

Renee Clack, L.N.F.A.
Director, Health Care Quality Section
Division for Regulatory Services