

HEALTH AND SAFETY CODE

TITLE 2. HEALTH

SUBTITLE E. HEALTH CARE COUNCILS AND RESOURCE CENTERS

CHAPTER 118. PALLIATIVE CARE INTERDISCIPLINARY ADVISORY COUNCIL

Sec. 118.001. DEFINITION. In this chapter, "advisory council" means the Palliative Care Interdisciplinary Advisory Council established under this chapter.

Added by Acts 2015, 84th Leg., R.S., Ch. 356 (H.B. 1874), Sec. 2, eff. June 9, 2015.

Sec. 118.002. ESTABLISHMENT; PURPOSE. The commission shall establish the Palliative Care Interdisciplinary Advisory Council to assess the availability of patient-centered and family-focused palliative care in this state.

Added by Acts 2015, 84th Leg., R.S., Ch. 356 (H.B. 1874), Sec. 2, eff. June 9, 2015.

Sec. 118.004. MEMBERS. (a) The advisory council is composed of the members appointed by the executive commissioner as provided by this section.

(b) The advisory council must include:

(1) at least five physician members, including two who are board certified in hospice and palliative care and one who is board certified in pain management;

(2) three palliative care practitioner members, including two advanced practice registered nurses who are board certified in hospice and palliative care and one physician assistant who has experience providing palliative care;

(3) four health care professional members, including a nurse, a social worker, a pharmacist, and a spiritual care professional, with:

(A) experience providing palliative care to pediatric, youth, or adult populations;

(B) expertise in palliative care delivery in an inpatient, outpatient, or community setting; or

(C) expertise in interdisciplinary palliative

care;

(4) at least three members with experience as an advocate for patients and the patients' family caregivers and who are independent of a hospital or other health care facility, including at least one member who is a representative of an established patient advocacy organization; and

(5) ex officio representatives of the commission or another state agency as the executive commissioner determines appropriate.

(c) Advisory council members serve at the pleasure of the executive commissioner.

Added by Acts 2015, 84th Leg., R.S., Ch. 356 (H.B. 1874), Sec. 2, eff. June 9, 2015.

Sec. 118.005. TERMS; VACANCY. (a) An advisory council member serves a four-year term.

(b) If a vacancy occurs on the advisory council, a person shall be appointed to fill the vacancy for the unexpired term.

Added by Acts 2015, 84th Leg., R.S., Ch. 356 (H.B. 1874), Sec. 2, eff. June 9, 2015.

Sec. 118.006. OFFICERS. Advisory council members shall:

(1) elect a chair and a vice chair; and

(2) establish the duties of the chair and the vice chair.

Added by Acts 2015, 84th Leg., R.S., Ch. 356 (H.B. 1874), Sec. 2, eff. June 9, 2015.

Sec. 118.007. MEETINGS. The executive commissioner shall set a time and place for regular meetings, which must occur at least twice each year.

Added by Acts 2015, 84th Leg., R.S., Ch. 356 (H.B. 1874), Sec. 2, eff. June 9, 2015.

Sec. 118.008. COMPENSATION AND REIMBURSEMENT. A member of the advisory council may not receive compensation for service on the advisory council but is entitled to reimbursement of the travel

expenses incurred by the member while conducting the business of the advisory council, as provided by the General Appropriations Act.

Added by Acts 2015, 84th Leg., R.S., Ch. 356 (H.B. 1874), Sec. 2, eff. June 9, 2015.

Sec. 118.009. DUTIES. The advisory council shall consult with and advise the commission on matters related to the establishment, maintenance, operation, and outcome evaluation of the palliative care consumer and professional information and education program established under Section 118.011.

Added by Acts 2015, 84th Leg., R.S., Ch. 356 (H.B. 1874), Sec. 2, eff. June 9, 2015.

Sec. 118.010. REPORT. Not later than October 1 of each even-numbered year, the advisory council shall submit a biennial report to the standing committees of the senate and the house of representatives with primary jurisdiction over health matters on:

(1) the advisory council's assessment of the availability of palliative care in this state for patients in the early stages of serious disease;

(2) the advisory council's analysis of barriers to greater access to palliative care; and

(3) the advisory council's analysis of the policies, practices, and protocols in this state concerning patients' rights related to palliative care, including:

(A) whether a palliative care team member may introduce palliative care options to a patient without the consent of the patient's attending physician;

(B) the practices and protocols for discussions between a palliative care team member and a patient on life-sustaining treatment or advance directives decisions; and

(C) the practices and protocols on informed consent and disclosure requirements for palliative care services.

Added by Acts 2015, 84th Leg., R.S., Ch. 356 (H.B. 1874), Sec. 2, eff. June 9, 2015.

Sec. 118.011. INFORMATION AND EDUCATION PROGRAM. (a) The commission, in consultation with the advisory council, shall establish a statewide palliative care consumer and professional information and education program to ensure that comprehensive and accurate information and education about palliative care are available to the public, health care providers, and health care facilities.

(b) The commission shall make available on its Internet website information and resources regarding palliative care, including:

(1) links to external resources regarding palliative care;

(2) continuing education opportunities for health care providers;

(3) information about palliative care delivery in the home, primary, secondary, and tertiary environments; and

(4) consumer educational materials regarding palliative care, including hospice care.

Added by Acts 2015, 84th Leg., R.S., Ch. 356 (H.B. 1874), Sec. 2, eff. June 9, 2015.

Sec. 118.012. PROTECTIONS. Notwithstanding any other law, the advisory council and the information and education program established under this chapter do not create a cause of action or create a standard of care, obligation, or duty that provides a basis for a cause of action.

Added by Acts 2015, 84th Leg., R.S., Ch. 356 (H.B. 1874), Sec. 2, eff. June 9, 2015.