

## Healthcare Legislative Update - 78th Regular Session

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Haynes and Boone, LLP  
901 Main St., Suite 3100  
Dallas, TX 75202

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You have accessed the Healthcare Legislative Update for the 78th Regular Session of the Texas Legislature. This update has been compiled by the Health Care Section of Haynes and Boone LLP for use as a quick reference tool on topics that we believe that will be of interest to our clients and the healthcare industry.

The bills included in this update are referenced both by bill number and short subject, and a short summary of each bill is provided. The summary is not intended to be a comprehensive report on the legislation or to offer legal advice or opinions regarding the bill but rather to offer a brief description of the subject matter and nature of the legislation which will allow you to determine whether the bill potentially impacts your business. If you are interested in a particular bill you may access the legislation directly to obtain the full text of the new law as well as other information about it. To access the text of the legislation directly via the internet at the Texas Legislature's web site, simply click on the bill number.

We hope that you find this update useful. If you have questions regarding the update itself, or any of the bills included in it, please contact one of our attorneys who are listed below. We will welcome the opportunity to work with you in obtaining information about current legislation as well as determining the impact these new health care related laws have on your business.

Please note that not all health care related legislation is summarized in this update. The information provided in this document is current as of the stated dates only. The reader should review for any changes or updates to the law or interpretations of the law when relying on the information provided herein. The reader should check for changes or updates, for interpretations and for other developments. This information is summary in nature and should not be relied upon as legal advice.

Karen Altaras	(817) 347-6604	<a href="mailto:altarask@haynesboone.com">altarask@haynesboone.com</a>
Mary Jean Geroulo	(214) 651-5772	<a href="mailto:geroulom@haynesboone.com">geroulom@haynesboone.com</a>
Earl Harcrow	(817) 347-6646	<a href="mailto:harcrowe@haynesboone.com">harcrowe@haynesboone.com</a>
Jeffrey P. King	(512) 867-8413	<a href="mailto:kingj@haynesboone.com">kingj@haynesboone.com</a>
Lewis A. Lefko	(214) 651-5608	<a href="mailto:lefkol@haynesboone.com">lefkol@haynesboone.com</a>
Thomas Mayo	(214) 651-5676	<a href="mailto:mayotw@haynesboone.com">mayotw@haynesboone.com</a>
Lisa S. Sooter	(214) 651-5383	<a href="mailto:sooterl@haynesboone.com">sooterl@haynesboone.com</a>

## INDEX

[ANATOMICAL GIFTS and ORGAN DONATION](#)  
[CHILDREN'S HEALTH CARE](#)  
[DEATH AND DYING](#)  
[EDUCATION](#)  
[EMERGENCY MEDICAL CARE](#)  
[HEALTH CARE PROFESSIONALS \(OTHER THAN NURSES & PHYSICIANS\)](#)  
[HOSPITALS / OTHER HEALTH FACILITIES](#)  
[INDIGENT/CHARITY CARE](#)  
[LONG TERM CARE FACILITIES AND ASSISTED LIVING](#)  
[MALPRACTICE INSURANCE / TORT REFORM](#)  
[MANAGED CARE / INSURANCE](#)  
[MEDICAID / HUMAN SERVICES PROGRAMS](#)  
[MENTAL HEALTH](#)  
[MISCELLANEOUS](#)  
[NURSES](#)  
[PHARMACY / DRUGS](#)  
[PHYSICIANS](#)  
[PRIVACY / CONFIDENTIALITY OF RECORDS](#)  
[REPORTING REQUIREMENTS](#)  
[RURAL HEALTH](#)

Bill #	Short Subject and Effective Date	Summary
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## **ANATOMICAL GIFTS and ORGAN DONATION**

<u><a href="#">SB 160</a></u>	Education Relating to Human Organ Donation  09/01/03	Requires the Texas Department of Health to develop a program to educate health care providers and attorneys on human organ donation and encourages medical and nursing schools to include organ donation education classes in their curriculum.
<u><a href="#">SB 1225</a></u>	Removal of a Body Part or Tissue from a Decedent Who Died Under Circumstances Requiring an Inquest  07/01/03	Authorizes a justice of the peace, county judge, or physician designated by the justice of the peace or county judge to permit the removal of a body part or tissue from a decedent who died under circumstances requiring an inquest.
<u><a href="#">SB 1226</a></u>	Allocation of Kidneys Available for Transplant  In Effect	Provides for the formation of a kidney sharing pool and distribution of kidneys to patients waiting the longest for a donation.
<u><a href="#">SB 1419</a></u>	Anatomical Specimens and Donees of Anatomical Gifts  09/01/03	Authorizes the Anatomical Board to accept anatomical specimens and gives the Board the authority over bodies or specimens donated directly to schools.

## **CHILDREN'S HEALTH CARE**

<u><a href="#">HB 320</a></u>	Refusal of Psychiatric or Psychological Care  In Effect	Insures that refusal by a parent or guardian to seek psychiatric care or accept the administration of a psychotropic drug will not by itself constitute "neglect" as defined under Section 261.001 of the Texas Family Code
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<a href="#"><u>HB 728</u></a>	Eligibility of Children for Medical Assistance Benefits  In Effect	Amends the law to retain the six-month eligibility and postpone implementation of the 12-month Medicaid eligibility period until fiscal year 2006.
<a href="#"><u>HB 1446</u></a>	Eligibility for Health Care Benefits  09/01/03	Deletes the provision prohibiting health benefit plans from conditioning coverage for a child younger than 25 years of age on the child's being enrolled at an educational institution.
<a href="#"><u>HB 1920</u></a>	Immunization Programs  09/01/03	Authorizes the development of educational programs for providers to increase awareness of the Vaccines for Children program and revises the application process.
<a href="#"><u>HB 2721</u></a>	Acanthosis Nigricans Screening Program  09/01/03	Requires the executive council advising the Texas-Mexico Border Health Coordination Office to expand their current acanthosis nigricans screening to include TEA Regional Educational Service Centers 4, 10, and 11.
<a href="#"><u>SB 40</u></a>	Immunization Education Program  09/01/03	Directs the Texas Department of Health to institute a continuous statewide immunization education campaign and increase coordination through a statewide coalition.
<a href="#"><u>SB 43</u></a>	Immunization Education  09/01/03	Requires the Texas Department of Health to provide a final report on Educating Physicians in your Community, and if the pilot program is successful, to make recommendations for its expansion and future funding.
<a href="#"><u>SB 486</u></a>	Immunization of Children  09/01/03	Requires the Texas Department of Health and the Texas Education Agency to work together to increase immunization awareness and participation among parents of preschool and school age children. This legislation also allows private providers to participate in early

		childhood immunization programs without fear of increased liability.
<u>SB 490</u>	Coordinating Mental Health Agency Services for Children  In Effect	Directs the Texas Department of Mental Health and Mental Retardation (MHMR) and the Early Childhood Intervention (ECI) Council to jointly develop a continuum of care for children younger than seven years of ages who have mental illness, and a plan to increase the expertise of MHMR's service providers of mental health issues for this population. Directs MHMR and the ECI Council to coordinate, when practical, activities and services involving children with mental illness and their families.
<u>SB 491</u>	Assessments  In Effect	Requires the Texas Education Agency, the Texas Department of Mental Health and Mental Retardation, the Texas Department of Health, and the Texas Commission on Alcohol and Drug Abuse to conduct a joint assessment of existing school-based mental health and substance abuse programs and report the results of the assessment to the 79th Legislature. The assessment should include recommendations regarding further development of such programs in Texas schools.
<b>DEATH AND DYING</b>		
<u>SB 319</u>	Death of or Injury to an Unborn Child  09/01/03	Allows the parents of an unborn child to bring civil and criminal actions in connection with harm caused to or death of an unborn child, unless the death is the result of a legal medical procedure carried out by a health care provider, the result of legal drug dispensation or administration, or the result of an action by the mother

<p><u>SB</u> <u>1320</u></p>	<p>Advance Directives</p> <p>In Effect</p>	<p>Extends to minor patients the procedures and review process to be followed when an attending physician refuses to honor an advance directive or treatment decision made by or on behalf of a patient. In the case of minors, limits out-of-hospital DNR orders to patients who have been diagnosed with a terminal or irreversible condition. Allows nurse or other health care provider (other than EMT) to follow a physician's DNR order in an out-of-hospital setting. Gives an example of a statement regarding a patient's right to transfer that is required to be given when a physician recommends against life-sustaining treatment that the patient wishes to continue. Gives an example of the statement required when the physician recommends life-sustaining treatment that the patient wishes to stop. Mandates that the Texas Health Care Information Council keep a registry listing contact information of providers and referral groups who have volunteered to assist in locating a provider for or accepting transfer of a patient and provides the location and form of the registry.</p>
<p><b>EDUCATION</b></p>		
<p><u>HB</u> <u>1420</u></p>	<p>Student Loan Repayment Assistance for Physicians</p> <p>In Effect</p>	<p>Requires that a portion of the tuition paid by all medical school students be set aside for student loan repayment assistance for certain physicians and provides for the preparation of an annual report on the Physician Education Loan Repayment Program.</p>
<p><u>HB</u> <u>2019</u></p>	<p>Traumatic Brain Injuries Advisory Council</p> <p>9/1/03</p>	<p>Establishes the Texas Traumatic Brain Injury Advisory Council within the Texas Department of Health to assist people with brain injuries and their families.</p>

<a href="#"><u>HB 2692</u></a>	Diabetes; Pilot Program  In Effect	Requires the state to develop a pilot program to promote the creation of diabetes support groups to enable persons to share information and exchange ideas and strategies regarding disease management techniques.
<a href="#"><u>SB 1128</u></a>	Medical Program Alternates  In Effect	Requires the Joint Admission Medical Program (JAMP) Council to establish procedures to select and work with JAMP alternates, establishes the applicants' JAMP-related records as confidential, and provides that meetings dealing with such records, or other personal information of the applicants, are not subject to the Open Meetings Act.
<a href="#"><u>SB 1642</u></a>	Establishment of Geriatric Center  In Effect	Establishes the East Texas Center for Rural Geriatric Studies at the University of Texas Health Science Center at Tyler.
<b>EMERGENCY MEDICAL CARE</b>		
<a href="#"><u>HB 111</u></a>	Ambulance Transport  In Effect	Holds health care providers financially responsible if an ambulance service provider is denied payment because the health care provider did not receive prior authorization for the service.
<a href="#"><u>HB 861</u></a>	Volunteer Emergency Care Attendants  09/01/03	Allows individuals who serve as Voluntary Emergency Care Attendants to be exempt from the high school diploma or degree requirements.
<a href="#"><u>HB 3588</u></a>	Trauma Facility Funding  09/01/03	Creates a designated trauma facility and emergency medical services account funded by fines levied against drivers with certain categories of traffic violations

<a href="#"><u>SB 529</u></a>	Temporary Exemption from Legal Requirements  In Effect	Gives the Texas Department of Health the ability to grant administrative exemptions for rural emergency medical training personnel.
<a href="#"><u>SB 530</u></a>	Performance Measures  09/01/03	Gives the Texas Department of Health more formal control of Regional Advisory Councils by requiring development of performance measures.
<a href="#"><u>SB 692</u></a>	EMS Run Reports  09/01/03	Requires Emergency Medical Services providers to report the number and types of runs to the Texas Department of Health for posting on its website.
<a href="#"><u>SB 1022</u></a>	Emergency Service Districts  09/01/03	Authorizes an emergency service district to employ a peace officer, and allows a district to contract with another political subdivision or the state for law enforcement services. Provides standards for adoption of a fire code by a district.
<a href="#"><u>SB 1131</u></a>	Funding of Certain Emergency Medical Services, Trauma Facilities, and Trauma Care Systems  09/01/03	Creates a new fund at the Texas Department of Health's Bureau of Emergency Management for those monies collected from intoxication convictions to be use to fund emergency medical services.
<b>HEALTH CARE PROFESSIONALS (OTHER THAN NURSES &amp; PHYSICIANS)</b> <b>FOR NURSES, <a href="#">CLICK HERE</a>; FOR PHYSICIANS, <a href="#">CLICK HERE</a></b>		
<a href="#"><u>HB 660</u></a>	Criminal History: Professionals	Amends the Government Code to allow any agency that licenses or regulates members of a trade, occupation, business, vocation, or profession to obtain criminal history on any person who applies for or holds a license

<a href="#"><u>HB 2132</u></a>	Subpoena Authority Board of Examiners of Psychologists  In Effect	Authorizes the executive director or presiding officer of the Texas State Board of Examiners of Psychologists authority to issue and serve subpoenas in the course of an investigation.
<a href="#"><u>HB 3193</u></a>	Delegation by Dentists  In Effect	Authorizes dentists to delegate the application of a pit and fissure sealant to a dental assistant if the dentist is a Medicaid Provider or practices in an underserved area.
<a href="#"><u>HB 3213</u></a>	Veterinarian Professional Associations  In Effect	Amends the Texas Professional Association Act to allow one or more licensed veterinarians to form professional associations in compliance with the Act. Prior to this amendment, veterinarians were prohibited from forming professional associations.
<a href="#"><u>SB 161</u></a>	Health Professional Licensing  09/01/03	Grants professional licensing programs the authority to issue emergency suspension of a license to practice, to assess administrative penalties to strengthen regulatory efforts, and to include civil and criminal penalties to further sanction individuals who are out of compliance with licensure requirements.
<a href="#"><u>SB 211</u></a>	Texas Board of Chiropractor Examiners Records  09/01/03	Makes Texas Board of Chiropractic Examiners investigational files confidential and privileged and not subject to discovery or subpoena during the course of an investigation, but allows public access of the records once the investigation is complete. Allows the board to review without re-examination the expired license of a person who was once licensed in Texas, but who was licensed and practiced in other state or foreign country for 2 years

<a href="#"><u>SB 216</u></a>	Disposal of Animal Remains and Associated Medical Waste  09/01/03	Authorizes veterinarians, under certain circumstances to dispose of animal remains and associated medical waste by burial or burning and prohibits Texas Commission on Environment Quality from adopting a rule prohibiting this conduct.
<a href="#"><u>SB 263</u></a>	Continuation and Functions of Board of Dental Examiners  Generally effective 09/01/03, but parts taking effect 01/01/04, 09/01/04, and 03/01/04	Adds tools to strengthen the Board of Dental Examiners enforcement activities and improve accountability and more timely disposition of complaints.  Also modifies the size of the board, and ensures the board has appropriate regulatory authority over dental practitioners to better protect the public.
<a href="#"><u>SB 333</u></a>	Chemical Dependency Counselors  09/01/04	Increases the educational requirements for licensure as a licensed chemical dependency counselor by requiring an associate degree and course work pertaining to substance abuse Also grants Texas Commission on Alcohol and Drug Abuse the authority over registering interns.
<a href="#"><u>SB 769</u></a>	Licensing and Regulation of Surgical Assistants  09/01/03	Provides that a surgical assistant's license expires on the second anniversary of the date of issuance, and authorizes a licensed surgical assistant to directly bill a patient or third party payor for services provided.

<a href="#"><u>SB 842</u></a>	Chiropractic Licenses  09/01/03	Repeals standards for a licensed out-of-state chiropractor to obtain a professional license in Texas, and sets new standards for the issuance of licenses to certain out of state applicants, including requirements for successful completion of the national board exams prior to application for a license in Texas in lieu of state administered exams.
<a href="#"><u>SB 1571</u></a>	Regulation of Dental Laboratories and Dental Technicians  09/01/03	Establishes certain exemptions for the manufacturer of materials or component parts used in the fabrication of a dental prosthetic appliances and for the sale or use by dental laboratories. Eliminates the requirement that dental laboratories list the name and address of each dental technician employed by the lab when applying to the Dental Laboratory Certification Council.
<b>HOSPITALS / OTHER HEALTH FACILITIES</b>		
<a href="#"><u>HB 1234</u></a>	Certificates of Obligation  09/01/03	Authorizes the Commissioners Court to approve certificates of obligation for hospital districts established under Chapter 281 of the Health & Safety Code to allow for more rapid response to changing capital needs.
<a href="#"><u>HB 1614</u></a>	Medical Errors and Patient Safety Programs  In Effect	Establishes a patient safety program at the Texas Department of Health through which hospitals, ambulatory surgical centers and mental hospitals will report medical errors and develop internal plans of correction to prevent future occurrences of errors.
<a href="#"><u>HB 2073</u></a>	Tax Rates of Hospital District  09/01/03	Amends the Health and Safety Code to allow registered voters of hospital districts to petition for and vote in an election to increase the maximum tax rate for the district.

<a href="#"><u>HB 2952</u></a>	Authority of Joint County and Municipal Hospitals to Borrow Money  In Effect	Allows joint city/county hospitals to pledge real property to obtain a bank loan as other public hospitals and districts are able to do under their statutes.
<a href="#"><u>HB 3508</u></a>	Hospital Districts  04/01/05	Makes non-substantive changes to local district laws by systematically codifying district laws and creating a new special districts local laws code.
<a href="#"><u>SB 162</u></a>	Sanctions Against Facilities by Texas Department of Health  In Effect	Allows the Texas Department of Health to add new sanctions to the list of sanctions that are presently used against facilities that are out of compliance with licensing standards.
<a href="#"><u>SB 200</u></a>	Hospital System Revenues and Tax Revenues  In Effect	Allows a hospital district, as an alternative financing method, to pledge hospital system revenues and tax revenues to the payment of combination tax and revenue bonds and other obligations if the pledge is approved at an election held for that purpose.
<a href="#"><u>SB 401</u></a>	Hepatitis Testing  In Effect	Requires a hospital to test health care workers for hepatitis B or C if the worker is accidentally exposed to blood or other bodily fluids. The hospital is responsible for the cost of the testing.
<a href="#"><u>SB 567</u></a>	Hospital Access to Criminal History Information  In Effect	Expands the ability of certain hospitals to make criminal history background checks during the employment screening process for the purpose of hospital patient safety.
<a href="#"><u>SB 948</u></a>	Ad Valorem Taxes  09/01/03	Amends the Health and Safety Code to give the commissioners court the ability to adopt or remove an exemption with respect to the imposition or collection of

	09/01/03	an ad valorem tax imposed for the benefit of the hospital district.
<a href="#"><u>SB 1024</u></a>	Admission of Nonresident Patients to State Chest Hospitals  09/01/03	Amends and adds to the Health and Safety Code authorizing admission of nonresident tuberculosis patients to state chest hospitals and authorizes the Texas Department of Health to enter into agreements with agencies of other states to care for those states' residents with tuberculosis.
<b>INDIGENT / CHARITY CARE</b>		
<a href="#"><u>HB 3122</u></a>	Health Care Benefits for Low-Income Individuals  09/01/03	Creates a task force on local health care initiatives to work with the Health and Human Services Commission to develop two demonstration projects through the Medicaid program to provide health care services to Texas' indigent population.
<a href="#"><u>SB 610</u></a>	Grants for Federally Qualified Health Centers  09/01/03	Authorizes the Texas Department of Health's Bureau of Primary Care to provide grants and technical assistance to communities for the establishment of federally qualified health centers.
<b>LONG TERM CARE FACILITIES AND ASSISTED LIVING</b>		
<a href="#"><u>HB 776 and SB 1549</u></a>	Dementia Training  09/01/03	Requires institutions to provide at least one hour of dementia specific training per year to registered nurses, licensed vocational nurses, nurse aides, and nursing assistants who provide nursing services.
<a href="#"><u>HB 867 and SB 1549</u></a>	Minimum Standards for Facilities  09/01/03	Requires nursing homes and assisted living facilities that are built or converted to be used as such a facility after August 31, 2003 to be equipped with a central air conditioning system.

<a href="#"><u>HB 1971</u></a>	Convictions Barring Employment  09/01/03	Bars persons convicted of certain offenses from employment in certain facilities and homes licensed by the state including all persons convicted of any sexual offense and all persons convicted within the past five years of assault, burglary, misapplication of fiduciary property, or securing execution of a document by deception when the punishment was a Class A misdemeanor or greater.
<a href="#"><u>HB 3200</u></a>	Standards for Assisted Living Facilities  09/01/03	Permits the Texas Department of Human Services to approve alternate methods of compliance with licensure standards proposed by assisted living facilities serving non-elderly populations.
<a href="#"><u>SB 421</u></a>	Assisted Living Facilities  09/01/03	Adds assisted living facilities to the list of facilities that are able to obtain liability coverage from the Texas Medical Liability Insurance Underwriting Association. Adds assisted living facilities to the list of facilities that may benefit from the stabilization reserve fund, funded by bonds issued by the Texas Public Finance Authority.
<a href="#"><u>SB 825</u></a>	Prosecution of Sexual Assault Committed Against Residents of Facilities  09/01/03	Makes it a criminal offense for an employee of certain facilities to engage in non-consensual sex with residents of the facility.
<a href="#"><u>SB 923</u></a>	Criminal History Employment Checks  In Effect	Requires criminal background checks for applicants for employment at nursing homes to be completed within 24 hours, and adds burglary as grounds for prohibition of employment.

<u>SB 1012</u>	Alzheimer's Disease; Assisted Living Facilities  In Effect	Allows for placement of electronic monitoring devices in residents' rooms at assisted living facilities.
<u>SB 1073</u>	Convictions Barring Employment  09/01/03	Adds additional offenses to the list of offenses which prohibit a person from being employed in a facility serving elderly or disabled person if the position includes direct contact with a resident or user of the facility.
<u>SB 1074</u>	Reports and Investigations of Abuse and Neglect in Nursing Facilities  09/01/03	Requires a nursing home owner or employee to report abuse or neglect to the Texas Department of Human Services and to law enforcement. Expands the conditions requiring investigation of reports of abuse or neglect within 24 hours to include allegations of certain sexual offenses and bodily injury, and enhances the interview and investigation processes related to abuse or neglect.
<b>MALPRACTICE INSURANCE / TORT REFORM</b>		
<u>HB 4</u>	Tort Reform  Generally 09/01/03	Makes significant changes to tort laws on limits for non-economic damages for physicians and other health care providers and institutions. The damage limits vary based on whether the defendant is a physician, health care provider or institution. Also sets limits for wrongful death damages, changes the standard of proof in cases related to emergency care, sets new qualifications for expert witnesses and new requirements for expert reports. Changes the limits of liability for staff employed by public hospitals and physicians who provide emergency care at public hospitals, makes changes to application of interest to damages and provides for mandatory periodic payments of

		damages for medical , health care or custodial services. Also makes changes to the “Good Samaritan” laws. Makes changes to physician disclosure requirements, informed consent rules, and when suits are brought on claims that a provider failed to adequately disclose the risks of a procedure, limits recovery to negligence for failing to properly disclose.
<a href="#"><u>SB 339</u></a>	Liability Insurance  09/01/03	Allows the Texas Medical Liability Insurance Underwriting Association to issue medical liability insurance policies for terms of less than one year in duration and to offer installment payment plans.
<a href="#"><u>SB 467</u></a>	Operation of the Texas Health Insurance Risk Pool  In Effect	Expands the list of covered policies that require health insurance companies to contribute funds to support the Texas Health Insurance Risk Pool.
<a href="#"><u>SB 891</u></a>	Joint Underwriting Association under the Texas Medical Liability Insurance Underwriting Association Act  09/01/03	Allows the Joint Underwriting Association to write general liability policies in connection with medical liability coverage.
<b>MANAGED CARE / INSURANCE</b>		

<a href="#"><u>HB 1163</u></a>	Health Care Providers and Health Benefit Plans  09/01/03	Prohibits health benefit plans from withholding preferred provider designations or from denying contracts to podiatrists who join the practice of preferred providers or contracting physicians or providers.
<a href="#"><u>HB 1268</u></a>	Outpatient Prescription Drug Benefit Coverage  09/01/03	Authorizes insurers who issue Medicare supplemental policies to offer certain outpatient prescription drug benefit plans.
<a href="#"><u>HB 1735</u></a>	Disease Management Under State Health Plans  In Effect	Requires the Health and Human Services Commission, the Teacher Retirement System, the Employee Retirement System, the Texas Criminal Justice System, and the University of Texas and Texas A&M Health Systems to ensure that the managed care plans offered to employees include disease management programs for people with chronic illness such as, heart disease, respiratory illness, diabetes, asthma, HIV or AIDS.
<a href="#"><u>HB 1798</u></a>	Health Maintenance Organizations  09/01/03	Amends Insurance Code to authorize the electronic delivery of an evidence of coverage to enrollees of benefit plans.
<a href="#"><u>HB 1800</u></a>	Health Maintenance Organizations  09/01/03	Authorizes the electronic delivery of evidence of coverage by agreement and allows for electronic disclosures of information about health care plan terms.
<a href="#"><u>HB 1838</u></a>	Prosecution of Insurance Fraud  09/01/03	Requires a court to order a defendant convicted of insurance fraud to pay restitution to an affected insurer.

<a href="#"><u>HB 3109</u></a>	Panels of Independent Review Organizations  In Effect	Provides for the confidentiality of the identity of health care providers or physicians making review determinations for independent review organizations.
<a href="#"><u>HB 3484</u></a>	Health Care Coverage for Disabled Employees  09/01/03	Creates a work group on health care options for persons with disabilities to study options for creating a Medicaid buy-in program in Texas.
<a href="#"><u>SB 121</u></a>	Open Meetings Law and Health Maintenance Organizations  09/01/03	Permits closed sessions to discuss financial matters for boards of hospital districts operating health maintenance organizations.
<a href="#"><u>SB 240</u></a>	Enrollment in Group Health Benefit Plans  09/01/03	Allows the state to satisfy the new federal waiver requirements and offer financial assistance to parents who choose to enroll their CHIP eligible children in their own insurance programs

<u>SB 418</u>	<p>Regulation of Prompt Payment for Health Care Providers</p> <p>In Effect</p>	<p>Establishes prompt payment requirements for insurers and sets penalties for failure to comply. Applies to preferred provider organizations and health maintenance organizations.</p> <p>Providers must submit claims within 95 days of the date of service or forfeit the right to receive payment. Insurers must either pay a claim entirely, pay a portion of a partially disputed claim and notify the provider of the reason for the remaining portion is not payable, or notify the provider the claim is not payable in its entirety within 45 days of receiving a non-electronic claim and within 30 days of receiving an electronic claim.</p>
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<a href="#"><u>SB 494</u></a>	<p>Information on Closed Practices</p> <p>09/01/03</p>	<p>Requires insurers, group hospital service corporations, and health maintenance organizations that maintain an Internet site to list on that site those physicians and providers that may be used by enrollees, and to indicate which providers are accepting new patients. Requires that the site be updated at least quarterly.</p>
<a href="#"><u>SB 541</u></a>	<p>Coverage and Compensation Requirements</p> <p>09/01/03</p>	<p>Allows insurers and health maintenance organizations to offer policies that, in whole or in part, do not provide state mandated health benefits, and requires that documents related to such policies notify the insured or enrollee that the coverage is limited in that manner</p>

<a href="#"><u>SB 752</u></a>	Joint Negotiation by Physicians and Health Benefit Plans  In Effect	Extends the expiration date of the provision relating to joint negotiations by physicians with health benefits plans.
<a href="#"><u>SB 857</u></a>	Therapeutic Optometrist's Participation in Managed Care Plan  09/01/03	Allows therapeutic optometrists on a vision plan to join the managed care medical plan, on the condition that the optometrist abide by conditions of the plan.
<a href="#"><u>SB 879</u></a>	Appeals of Adverse Determinations  09/01/03	Binds health maintenance organizations to appellate adverse determinations rendered in favor of enrollee.
<a href="#"><u>SB 1173</u></a>	Prescription Drug Benefits for Group Health Benefit Programs  09/01/03	Amends the Insurance Code to address prescription drug benefits under the group health benefit program for certain governmental employees.
<a href="#"><u>SB 1804</u></a>	Preauthorization  09/01/03	Imposes claim liability by insurance carriers for preauthorized health care treatment. Carriers are prohibited from disputing the preauthorized claims at a later date.
<b>MEDICAID / HUMAN SERVICES PROGRAMS</b>		

<p><a href="#"><u>HB 727</u></a></p>	<p>Medicaid; Disease Management Programs</p> <p>In Effect</p>	<p>Requires the Health and Human Services Commission to request contract proposals from providers of disease management programs to provide program services to recipients of medical assistance who have certain diseases or other chronic health conditions and are not eligible to receive those services under a Medicaid managed care plan. Does not allow for a contract to be awarded for a disease management program unless the contract includes a written guarantee of state savings on expenditures for the group of medical assistance recipients covered by the program. Allows the department to enter into contracts with comprehensive hemophilia diagnostic treatment centers that receive funding through maternal and child health services block grants. Requires the Health and Human Services Commission to conduct a study analyzing the potential for state savings through the use of disease management programs for recipients of medical assistance and lists the requirements of the study.</p>
<p><a href="#"><u>HB 1090</u></a></p>	<p>Prescription Drug Information and Assistance Program</p> <p>In Effect</p>	<p>Establishes the Texas Cares program through the Texas Department on Aging to provide information regarding discount prescription drug programs and enroll eligible seniors in the programs.</p>
<p><a href="#"><u>HB 1743</u></a></p>	<p>Medicaid Fraud and Abuse</p> <p>09/01/03, except as otherwise indicated</p>	<p>Clarifies the authority of the Office of Investigations to cover both Medicaid fraud and abuse violations and brings the office's responsibilities and authority in line with federal regulations. Authorizes the Health and Human Services Commission to impose a post-payment hold on future claims if evidence of fraud exists, establishes rules for third party billing vendors, and sets guidelines for</p>

		referrals to the state's Medicaid fraud unit of providers suspected of fraudulent activities.
<u>HB 2292</u>	Health & Human Services Agencies and Medicaid  Except where otherwise indicated, effective 09/01/03	<p>Authorizes organizational and procedural changes to the Texas Health and Human Services Commission and its agencies, and substantive and procedural changes to Medicaid programs including but not limited to the following:</p> <ul style="list-style-type: none"> <li>• Authorizes the establishment of a Medicaid Fraud Pilot Program.</li> <li>• Requires all Medicaid managed care contractors to provide special investigational limits or contracts to investigate fraudulent health care claims.</li> <li>• Creates a Border Health Foundation.</li> <li>• Allows for accreditation by JCAHO to satisfy the requirements for certification for long term care for participation in Medicaid</li> <li>• Requires mental health authority to provide certain mental health services.</li> <li>• Allows for privatization of state mental health hospitals.</li> <li>• Describes certain services and programs available to persons who qualify for state assistance.</li> <li>• Allows for prepayment review of health care claims to prevent fraud.</li> <li>• Establishes a nursing facility quality assurance team.</li> <li>• Makes changes to services to children who qualify for Medicaid assistance programs.</li> </ul>

		<ul style="list-style-type: none"> <li>• Allows certain pharmacists to retain certain unused drugs and pharmaceuticals.</li> <li>• Consolidates certain Commission activities and Divisions.</li> <li>• Establishes procedures and processes for control measures related to public health infectious disease control, including making it a criminal offense for a person to refuse or attempt to refuse inspection if they have been exposed to or are the carrier of a communicable disease that is a threat to the public.</li> </ul>
<a href="#"><u>SB 285</u></a>	Texas Department of Human Services 09/01/03	Provides several statutory modifications of DHS.

<a href="#"><u>SB 691</u></a>	Telemedicine Medical Services 09/01/03	Requires periodic review of policies regarding reimbursement under the Medicaid program for telemedicine medical services to identify variations between permissible reimbursement and reimbursement available to providers under the Medicare program. Allows the modification of rules and procedures as necessary to ensure that reimbursement for telemedicine medical services are provided in a cost-effective manner and only in circumstances in which the provision of those services is clinically effective.
<a href="#"><u>SB 1522</u></a>	Medical Assistance Benefits for Children	Delays for two years the implementation of 12 months of continuous eligibility in the children's Medicaid program, now extending implementation to June 1, 2005. Also authorizes the use of personal interviews and the use of third party information to determine eligibility when it cannot be obtained in any other manner.
<b>MENTAL HEALTH</b>		
<a href="#"><u>HB 21</u></a>	Admission and Discharge of Minors from Voluntary Mental Health Facilities In Effect	Allows a parent or guardian of a minor between the ages of 16 and 18 to request that a child with mental health needs be admitted to an inpatient mental health facility without obtaining the minor child's consent.
<a href="#"><u>HB 2609</u></a>	Mental Health Court Programs 09/01/03	Integrates treatment services for mental illness in the processing of cases in the judicial system, diverting people with mental illness away from the criminal justice system and into treatment.
<a href="#"><u>HB 2679</u></a>	Guardian's Authority With Respect to Mental Health Patients 09/01/03	Gives a guardian the authority to transport a ward to an inpatient mental health facility for a preliminary examination, provides for the ability of a guardian to consent to the administration of psychoactive medication to an adult

	09/01/03	of psychoactive medication to an adult ward, and grants a guardian the ability to secure the emergency detention of a ward under certain circumstances.
<a href="#"><u>SB 564</u></a>	Marketing and Contracting Restrictions In Effect	Exempts treatment facilities funded by the Texas Commission on Alcohol and Drug Abuse from the Treatment Facilities Marketing Practices Act of 1993.
<a href="#"><u>SB 591</u></a>	TX Council on Offenders with Mental Impairments 09/01/03	Revises the Texas Council on Offenders with Mental Impairments (TCOMI) membership to include forensic specialists and amends the process for identification and selection of gubernatorial appointees. Revises the name of TCOMI to the “Texas Correctional Office on Offenders with Medical or Mental Impairments” to more accurately reflect the mission and purpose of the entity.
<a href="#"><u>SB 1057</u></a>	Competency Determinations 01/01/04	Rewrites the criminal competency statute to streamline the process and ensure consistency in its application across the state.
<a href="#"><u>SB 1145</u></a>	Diverting Persons with Mental Illness from Incarceration 09/01/03	Requires the local departments of Mental Health and Mental Retardation to divert persons who are incarcerated because of their illness away from the criminal justice system to where they can be treated appropriately for mental illness/substance abuse.
<a href="#"><u>SB 1182</u></a>	Local Area Service Planning In Effect	Requires local mental health or mental retardation authorities to develop local service plans to help each mental health/retardation center meet the needs of its community.
<b>MISCELLANEOUS</b>		

<a href="#"><u>HB 292</u></a>	Alcohol Testing of Blood and Breath at the Scene of Accidents 9/1/03	Modifies the current law requiring Department of Public Safety Officers to take blood and breath specimens to determine if alcohol contributed to fatal traffic accidents to also require them to take specimens at the scene of a traffic accident where someone has been seriously injured.
<a href="#"><u>HB 1330</u></a>	Medical Information on Driver's Licenses 01/01/04	Amends Transportation Code to allow drivers license applicants to list medical information on their license to assist the driver in better communication with a peace officer.
<a href="#"><u>SB 1835</u></a>	Testing for Communicable Diseases 09/01/03	Requires a person who is being arrested for a felony or misdemeanor offense and who causes a police officer to come in contact with bodily fluid to submit to testing for communicable diseases.
<b>NURSES</b>		
<a href="#"><u>HB 1483</u></a>	Consolidation of Nursing Boards 09/01/03 Generally	Abolishes the Board of Vocational Nurses and transfers the functions of that agency to the Board of Nurse Examiners. Consolidates the function of the two Boards under the authority of the Board of Nurse Examiners
<a href="#"><u>HB 2131</u></a>	Operating Room Nurses 09/01/03	Allows non-certified nurses to continue to directly assist a physician, podiatrist, or dentist in performing surgery if the nurse has 2500 hours of experience in the operating room under the supervision of a physician.
<a href="#"><u>HB 2208</u></a>	Criminal Checks of Nurse Applicants 09/01/03	Authorizes the Board of Nurse Examiners to request and receive criminal history information from the FBI and DPS, and obligates applicants for registered nurse license and renewals to comply with the requests and submit fingerprints if necessary to obtain the information

<a href="#"><u>HB 3126</u></a>	Funding: Nursing Shortage In Effect	Allocates income from the Nursing Allied Health Permanent Tobacco Lawsuit Settlement Endowment Fund to address the RN shortage through 2007.
<a href="#"><u>SB 313</u></a>	Civil Damages Awarded Against Nonprofit Institutions In Effect	Prohibits claimants from collecting damages from funds and certain non-profit institutions if the funds are endowments used to fund nursing care or are tax exempt.
<a href="#"><u>SB 718</u></a>	Nursing Practice In Effect	Establishes pilot programs for innovative applications in the practice and regulation of nursing. Describes the process for the solicitation of proposals and granting programs. Establishes continuing competency programs for license holders, establishes grounds for reporting registered nurses, and describes other miscellaneous rules and processes related to the practice of nursing.
<b>PHARMACY / DRUGS</b>		
<a href="#"><u>HB 833</u></a>	Right to Refuse Generic Drug Substitutions 09/01/03	Amends the Labor Code to allow workers compensation claimants to refuse a generic drug substitution, but requires the claimants to pay the price difference between the generic and brand named drug.
<a href="#"><u>HB 1268</u></a>	Outpatient Drug Benefit 09/01/03	Permits insurer that issues a Medicare supplemental policy to offer an outpatient prescription drug benefit plan or a new and innovative plan approved by the Commissioner of Insurance to an individual or group policyholder. The insurer can also offer participation in a prescription drug discount program.
<a href="#"><u>HB 1629</u></a>	Texas Controlled Substances Act 09/01/03	Amends the Health and Safety Code to clarify what chemicals are considered precursors to controlled substances related to the regulation of chemicals used in the illicit manufacture of

		controlled substances.
<a href="#"><u>HB 1686</u></a>	Pharmacies & Emergency Medication Kits 09/01/03 or on passage	Allows a Class E pharmacy not more than 20 miles from an institution licensed under Chapters 242 or 252 of the Health & Safety Code to maintain the institution's emergency medication kit. The medication may only be used for emergency medication needs of a resident at that institution.
<a href="#"><u>HB 3014</u></a>	Gifts and Grants of Drugs and Other Items to Certain State Agencies In Effect	Sets conditions on a health or human services agency accepting a gift or grant from a pharmaceutical manufacturer or entity.
<a href="#"><u>HB 3486</u></a>	Return of Unused Drugs In Effect	Permits a health care facility pharmacist to return unused drugs to the pharmacy from which they were purchased if the medication is sealed in unopened, individually packaged units and has not exceeded the shelf life of the drug.
<a href="#"><u>SB 144</u></a>	Information Regarding the Use and Abuse of Certain Drugs 09/01/03	Requires governing boards of several health professions to provide their members with educational information about prescribing pain medications and information about drug addictions.
<a href="#"><u>SB 616</u></a>	Drug Demand Advisory Committee In Effect	Adds five state agencies to the fifteen state agencies already represented on the Committee.
<a href="#"><u>SB 803</u></a>	Advertisement and Promotion of Certain Compound Drug Products 09/01/03	Permits a compounding pharmacist or pharmacy to advertise prescription compounding services and specific compounded drug products in accordance with a recent U.S. Supreme Court decision holding prohibitions on soliciting prescriptions for and

		advertising of compounded drugs amounts to be an unconstitutional restriction on commercial speech.
<a href="#"><u>SB 957</u></a>	Emergency Medication Kits Maintained for a Veterans Home In Effect	Permits a US Dept of Veterans Affairs pharmacy or other federally operated pharmacy to maintain controlled substances and dangerous drugs in an emergency medical kit used at a licensed veterans home.
<a href="#"><u>SB 1315</u></a>	Establishment of Pharmacy License Classifications 09/01/03	Allows the Texas State Board of Pharmacy to issue new classes of licenses if the Board finds it necessary based on certain conditions and if certain criteria are met.
<a href="#"><u>SB 1400</u></a>	Labeling of Drugs 09/01/03	Revises the Texas Food and Drug and Cosmetic Act to conform Texas label requirements to the current federal statutes.
<b>PHYSICIANS</b>		
<a href="#"><u>HB 15</u></a>	Regulation of Abortion: 9/1/03	Modifies the current law to require that women seeking abortions be provided with comprehensive information about the potential risks and alternatives to abortion. Also modifies certain provisions related to the licensing of abortion facilities.
<a href="#"><u>HB 1095</u></a>	Delegation to Advance Practice Nurses and Physician Assistants In Effect	Expands the authority of physicians to delegate prescriptive authority for certain controlled substances and dangerous drugs to advance practice nurses and physician's assistants.
<a href="#"><u>HB 1592</u></a>	Performing Surgery While Intoxicated 09/01/03	Creates criminal liability for a licensed medical professional who performs a procedure while intoxicated and injures or kills the person.

	09/01/03	
<a href="#"><u>HB 2985</u></a>	Establishment of an Office of Patient Protection 09/1/03	Establishes the Office of Patient Protection to provide the public assistance with and information regarding the health care complaint process. The Office is to be administered by the Health Professions Council.
<a href="#"><u>HB 3439</u></a>	Liability of Health Care Practitioners 09/01/03	Provides liability protection for volunteer health care practitioners conducting physical or medical screenings to certify student fitness to participate in a school sponsored activity are not liable for death or injury to student if the practitioner was acting in good faith, was acting within scope of his license and parents/legal guardian signs a written statement that the practitioner is providing voluntary service.
<a href="#"><u>SB 104</u></a>	The Practice of Medicine In Effect	Grants additional authority to the Texas State Board of Medical Examiners related to the regulation and enforcement of the practice of medicine.  Sets certain fees for licenses or registration, requiring the board to establish a profile for each licensed physician, and obligating the board to provide certain information about physicians to health facilities on request. Requires physicians to maintain registration with the board and prohibits the practice of medicine without registration. Also describes offenses for which suspension of a physician's license is required.

<a href="#"><u>SB 558</u></a>	Immigration Visa Waivers 09/01/03	Expands the program allowing foreign physicians to stay in the US after completing their education if they work in a medically underserved county in Texas from 4 designated counties to all medically underserved and health professional shortage areas in Texas.
<b>PRIVACY / CONFIDENTIALITY OF RECORDS</b>		
<a href="#"><u>HB 2040</u></a>	Sharing of Information for Investigative Purposes In Effect	Amends the Government Code to expressly allow certain government agencies to share confidential information during investigations, but making any shared information confidential and retaining the legal restrictions on access to such information.
<a href="#"><u>HB 3011</u></a>	Health Care Facility Reports and Records 09/01/03	Authorizes a medical peer review committee or medical committee formed by a governing body of a hospital district to compile a report, information, or record of the medical and health services provided by a health care facility and have the compilation be confidential and not subject to the disclosure requirements which such reports or records of a peer review committee are subject to.
<a href="#"><u>SB 330</u></a>	Private Medical Information In Effect	Repeals Health and Safety Code Sections 181.101 and 181.102 relating to privacy of health information.
<a href="#"><u>SB 739</u></a>	Statistical Information about Screening Programs for Newborn Hearing Loss In Effect	Provides that statistical or aggregate information gathered as part of the Newborn Hearing Loss Program is not confidential if it cannot be used to individually identify a newborn infant or parent.
<a href="#"><u>SB 984</u></a>	Medical and Psychiatric Records In Effect	Allows benefits appeal committees to conduct closed meetings to deliberate confidential medical or psychiatric records or information.

<a href="#"><u>SB 1136</u></a>	Privacy of Health Information Generally effective 09/01/03	Amends Health and Safety Code 181 to bring Texas law in compliance with the updated federal Privacy Standards and authorizing the Texas Attorney General to perform a preemption analysis of state law and HIPAA.
<a href="#"><u>SB 1574</u></a>	Agency Information In Effect	Provides confidentiality protections for the Texas Workers' Compensation Commission, the Texas State Board of Medical Examiners, and the Texas State Board of Chiropractic Examiners in order for each to exchange information relating to ongoing investigations.
<a href="#"><u>SB 1614</u></a>	Penalties Related to Disclosure of Genetic Information In Effect	Provides that a person who unlawfully discloses genetic information will be liable for a civil penalty of not more than \$10,000.00. Authorizes the attorney general to bring an action in the name of the state to recover the penalty, plus attorney's fees and court costs.
<b>REPORTING REQUIREMENTS</b>		
<a href="#"><u>HB 1097</u></a>	Birth Defects; Monitoring Program In Effect	Requires the Board of Health to establish a birth defects monitoring program to identify and investigate certain birth defects in children and create a registry to track birth defects.
<a href="#"><u>HB 1921</u></a>	Immunization Registry Generally effective 09/01/03, but parts taking effect 09/01/04	Modifies the state's current immunization tracking system, ImmTrac, to increase data collection

<a href="#"><u>SB 519</u></a>	Interagency Exchange of Information In Effect	Mandates the sharing of criminal justice clients' health information between criminal justice agencies and health care agencies.
<b>RURAL HEALTH</b>		
<a href="#"><u>HB 1877</u></a>	Rural Physician Relief Program 09/01/03	Requires the Office of Rural and Community Affairs to implement a state-supported rural physician relief program to help rural areas retain physicians.
<a href="#"><u>SB 446</u></a>	Authority of the Rural Foundation 09/01/03	Clarifies that the Rural Foundation may apply for grants for economic development programs in rural areas of the state.
<a href="#"><u>SB 529</u></a>	Temporary Exemptions for Rural Emergency Medical Services Personnel In Effect	Gives the Texas Department of Health the ability to grant administrative exemptions for rural Emergency Medical Services personnel and outlines specific guidelines regarding when a temporary exemption may be granted.