

Chapter 437

S.B. No. 1565

AN ACT

1  
2 relating to the procedure for ordering medical or dental services  
3 for certain persons admitted to or committed to care at certain  
4 state facilities.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 551.041, Health and Safety Code, is  
7 amended by amending Subsection (c) and adding Subsection (e) to  
8 read as follows:

9 (c) If a department requests consent to perform medical or  
10 dental treatment or services from a person or the guardian of the  
11 person whose consent is considered necessary and a reply is not  
12 obtained immediately, or if there is no guardian or responsible  
13 relative of the person to whom a request can be made, the  
14 superintendent or director of a department facility shall order:

15 (1) medical treatment or services for the person on  
16 the advice and consent of three primary care providers, at least two  
17 of whom are physicians licensed by the Texas Medical Board[~~at~~  
18 ~~least one of whom is primarily engaged in the private practice of~~  
19 ~~medicine~~]; or

20 (2) dental treatment or services for the person on the  
21 advice and consent of two dentists [~~a dentist~~] licensed by the State  
22 Board of Dental Examiners and of one physician [~~two physicians~~]  
23 licensed by the Texas Medical Board[~~at least one of whom is~~  
24 ~~primarily engaged in the private practice of medicine~~].

1           (e) For purposes of this section, "primary care provider"  
2 means a health care professional who provides health care services  
3 to a defined population of residents. The term includes a physician  
4 licensed by the Texas Medical Board, an advanced practice  
5 registered nurse licensed by the Texas Board of Nursing, and a  
6 physician assistant licensed by the Texas Physician Assistant  
7 Board.

8           SECTION 2. The changes in law made by this Act apply only to  
9 a medical or dental procedure performed on or after the effective  
10 date of this Act. A medical or dental procedure performed before  
11 the effective date of this Act is governed by the law as it existed  
12 immediately before the effective date of this Act, and that law is  
13 continued in effect for that purpose.

14           SECTION 3. This Act takes effect September 1, 2017.

S.B. No. 1565

*Don Patenaude* *Joe Straus*  
President of the Senate Speaker of the House

I hereby certify that S.B. No. 1565 passed the Senate on April 26, 2017, by the following vote: Yeas 31, Nays 0.

*Patsy Spall*  
Secretary of the Senate

I hereby certify that S.B. No. 1565 passed the House on May 19, 2017, by the following vote: Yeas 144, Nays 0, two present not voting.

*Robert Haney*  
Chief Clerk of the House

Approved:

5-31-2017  
Date

*Greg Abbott*  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2:00 PM O'CLOCK

JUN 01 2017  
*RRP*  
Secretary of State

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**April 12, 2017**

**TO:** Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: SB1565** by Kolkhorst (Relating to the procedure for ordering medical or dental services for certain persons admitted to or committed to care at certain state facilities.),  
**Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Health and Safety Code to modify the procedure for ordering medical or dental services for certain individuals residing at certain state facilities. Based on the LBB's analysis of the Health and Human Services Commission, Board of Dental Examiners, and the Texas Medical Board, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect September 1, 2017.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 503 Texas Medical Board, 504 Texas State Board of Dental Examiners,  
529 Health and Human Services Commission

**LBB Staff:** UP, KCA, EP, MDI, EK, TBo

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**April 3, 2017**

**TO:** Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: SB1565** by Kolkhorst (Relating to the procedure for ordering medical or dental services for certain persons admitted to or committed to care at certain state facilities.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Health and Safety Code to modify the procedure for ordering medical or dental services for certain individuals residing at certain state facilities. Based on the LBB's analysis of the Health and Human Services Commission, Board of Dental Examiners, and the Texas Medical Board, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

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