

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1309
By: Patterson
Health & Human Services
5-2-97
Committee Report (Substituted)

DIGEST

Currently, electroconvulsive therapy is permissible in Texas. Recent information regarding possible unscrupulous use of electroconvulsive treatment for those over 65 has suggested the possibility of the need to add increased protections for that population. This bill would create an additional consent procedure which ensures that those patients 65 or older will have all the information they need to make informed decisions.

PURPOSE

As proposed, C.S.S.B. 1309 revises the consent procedure for the use of electroconvulsive therapy on patients 65 or older.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 578.003, Health and Safety Code, by amending Subsections (b) and (c), and by adding Subsection (d), as follows:

Sec. 578.003. CONSENT TO THERAPY. (b) Requires the written consent form to clearly and explicitly state, among other items, the nature, degree, duration, and probability of the side effects and significant risks of the treatment, especially noting the possible degree and duration of memory loss, the possibility of permanent irrevocable memory loss, and the possibility, rather than remote possibility, of death.

(c) Requires the hospital, facility, or physician administering the therapy, before a patient receives each electroconvulsive treatment, to ensure that the signed copy of the consent form is made a part of the patient's clinical record.

(d) Requires the hospital, facility, or physician administering the therapy, before the beginning of each treatment series for a patient 65 years of age or older, to ensure that two physicians have signed an appropriate form which states the procedure is medically necessary; that this form has been made available to the patient or patient's guardian; and the patient or patient's guardian has been informed of any current medical condition that may put the patient at an increased risk of injury or death as a result of the treatment.

SECTION 2. Amends Section 578.007(b), Health and Safety Code, to require a report for each quarter to state, among other items, autopsy findings, with emphasis on brain tissue findings, if death followed within 14 days after the date of the administration of the therapy; and the number of deaths following electroconvulsive therapy at 14 days, one month, and three months after the date of the therapy. Makes conforming changes.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Omits proposed changes to Sections 578.001 and 578.002, Health and Safety Code. Amends Section 578.003, to revise changes to Subsections (b) and (c) and to add proposed Subsection (d).

SECTION 2.

Amends Section 578.007, Health and Safety Code, to revise proposed changes.