

AN ACT

relating to information provided to parents of newborn children.

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

SECTION 1. Subchapter R, Chapter 161, Health and Safety Code, as added by Chapter 1011, Acts of the 78th Legislature, Regular Session, 2003, is redesignated as Subchapter T, Chapter 161, Health and Safety Code, and amended to read as follows:

SUBCHAPTER T [R]. [~~PARENTING AND POSTPARTUM COUNSELING~~]

INFORMATION FOR PARENTS OF NEWBORN CHILDREN

Sec. 161.501 [~~161.451~~]. RESOURCE PAMPHLET [~~LIST~~]. (a) A hospital, birthing center, physician, nurse midwife, or midwife who provides prenatal care to a pregnant woman during gestation or at delivery of an infant shall:

(1) provide the woman and the father of the infant, if possible, or another adult caregiver for the infant, with a resource pamphlet that includes:

(A) a list of the names, addresses, and phone numbers of professional organizations that provide postpartum counseling and assistance to parents relating to postpartum depression and other emotional trauma associated with pregnancy and parenting;

(B) information regarding the prevention of shaken baby syndrome including:

(i) techniques for coping with anger caused

1 by a crying baby;

2 (ii) different methods for preventing a
3 person from shaking a newborn, infant, or other young child;

4 (iii) the dangerous effects of shaking a
5 newborn, infant, or other young child; and

6 (iv) the symptoms of shaken baby syndrome
7 and who to contact, as recommended by the American Academy of
8 Pediatrics, if a parent suspects or knows that a baby has been
9 shaken in order to receive prompt medical treatment;

10 (C) a list of diseases for which a child is
11 required by state law to be immunized and the appropriate schedule
12 for the administration of those immunizations; and

13 (D) the appropriate schedule for follow-up
14 procedures for newborn screening;

15 (2) document in the woman's [~~patient's~~] record that
16 the woman [~~patient~~] received the information described in
17 Subdivision (1); and

18 (3) retain the documentation for at least five [~~three~~]
19 years in the hospital's, birthing center's, physician's, nurse
20 midwife's, or midwife's records.

21 (b) A hospital, birthing center, physician, nurse midwife,
22 or midwife may use the pamphlet provided on the department's
23 website or an alternative pamphlet that provides the information
24 required by this section [~~The list must include resources a parent~~
25 ~~may contact to receive counseling and assistance for postpartum~~
26 ~~depression and other emotional traumas associated with pregnancy~~
27 ~~and parenting].~~

1 ~~[(c) A hospital, birthing center, physician, nurse midwife,~~
2 ~~or midwife who provides prenatal care to a woman during gestation or~~
3 ~~at delivery is presumed to have complied with this section if the~~
4 ~~woman received prior prenatal care from another hospital, birthing~~
5 ~~center, physician, or midwife in this state during the same~~
6 ~~pregnancy.]~~

7 Sec. 161.502 [~~161.452~~]. DUTIES OF DEPARTMENT. (a) The
8 department shall:

9 (1) establish guidelines for the provision of the
10 information required by Section 161.501 [~~161.451~~];

11 (2) make available on the department's website a
12 printable version of the pamphlet required by Section 161.501 [~~list~~
13 ~~of professional organizations that provide postpartum counseling~~
14 ~~and assistance to parents~~]; [and]

15 (3) update the list of resources and required
16 immunizations in the pamphlet required under Subdivision (2)
17 quarterly;

18 (4) make the pamphlet required by Section 161.501
19 available for distribution to hospitals, physicians, birthing
20 centers, nurse midwives, and midwives; and

21 (5) coordinate funding for the development,
22 publication, and distribution of the informational pamphlet with
23 other health and human services agencies, and solicit funding for
24 the department's duties under this subchapter through means other
25 than appropriations, such as gifts, grants, and sales of
26 sponsorship or advertising [~~monthly~~].

27 (b) The department may include additional information in

1 the pamphlet as appropriate for parents of newborns.

2 Sec. 161.503. LIABILITY NOT CREATED. This subchapter does
3 not create civil or criminal liability.

4 SECTION 2. Before publishing or distributing the pamphlet
5 required by Section 161.502, Health and Safety Code, as
6 redesignated and amended by this Act, the Department of State
7 Health Services shall provide the proposed pamphlet to the Texas
8 Pediatric Society Committee on Child Abuse for review and comment
9 and shall integrate the comments into the final pamphlet.

10 SECTION 3. This Act takes effect September 1, 2005.

David Swohorst
President of the Senate

Tom Carilli
Speaker of the House

I hereby certify that S.B. No. 316 passed the Senate on March 21, 2005, by the following vote: Yeas 29, Nays 0; and that the Senate concurred in House amendment on May 23, 2005, by a viva-voce vote. _____

Atsuy Saw
Secretary of the Senate

I hereby certify that S.B. No. 316 passed the House, with amendment, on May 18, 2005, by a non-record vote. _____

Robert Haney
Chief Clerk of the House

Approved:

17 JUNE '05
Date

RICK PERRY
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:20 A.M. O'CLOCK

JUN 17 2005
Roger Williams
Secretary of State