Health Legislation/Gray
Fall, 2009

Note: Topic dates may change based on late breaking developments and availability of guest speakers.

August 24, 2009
How a bill becomes law
Also look at the websites for the Texas Legislature Online, the Texas Attorney General opinions, the Legislative Reference Library of Texas, the Federal Register and the Texas Register. Students should be familiar with how to quickly track and locate information about legislation. For federal legislation, look at thomas.gov.

August 26, 2009
Invited guest speakers—What does a lobbyist look like?

August 31, 2009
Nutrition and Obesity
NCSL Chart--Childhood Obesity--2006 Update
PL 108-265, Sec. 24 Local Wellness Policy
NCSL Issue Brief--State Issues in Child Nutrition: Direct Certification and Local Wellness Policies
Texas Public School Nutrition Policy and Clarifications “Cupcake amendment”

September 2, 2009
Food Consumption: Public Health or Personal Responsibility

September 9, 2009
Wellness, Insurance, and Personal Responsibility

**September 14, 2009**  
**Consumers and health care**

- *Prices for Brand-Name Drugs Under Selected Federal Programs*, Congressional Budget Office, June, 2005
- Margaret E. Gluck, *Federal Policies Affecting the Cost and Availability of Drugs*, Kaiser Family Foundation, July 2002 (exhibits omitted)
- Hochberg amendment to SB 410/79th Legislature
- Texas State Board of Pharmacy Request for Opinion, RQ-0355-GA
- Opinion No. GA-0384, Greg Abbott

**Readings:**  
- *Early Experience with High Deductible and Consumer Driven Health Plans*, EBRI Issue Brief No. 288, December 2005
- Check out the Texas Business Group on Health website: www.tbgh.org/checkup

**September 16, 2009**  
**Consumers and health care (cont.)**

- *HSAs and High Deductible Health Plans: A Primer*, Alliance for Health Reform, April, 2006
- *Early Experience with High Deductible and Consumer Driven Health Plans*, EBRI Issue Brief No. 288, December 2005
- Check out the Texas Business Group on Health website: www.tbgh.org/checkup

**September 21, 2009**  
**Medical Futility and Advance Directives**

- Section 166.046, Texas Health & Safety Code.
- Nikolozos v. St. Luke’s Episcopal Hospital, 162 S. W. 3d 678
- Hudson v. Texas Children’s Hospital, 177 S.W. 3d 232.
SB 439/80th Legislative Session (Bill as originally filed in the Senate, and as amended before being placed on House Calendar. Note that this bill was not reached on the calendar before time expired.)
House Concurrent Resolution No. 5031, 2006 Legislative Session, Kansas

September 23, 2009  Medical Decision Making and Children
SB 1320/Texas—78th Regular Legislative Session
45 C. F. R. 1340, *Baby Doe Regulations*
*Miller v. HCA, INC., et al*, 118 S. W. 3d 758
*Breyne et al v. Potter et al.* 258 Ga. App. 728, 574 S. E. 2d 916

September 28, 2009  Organ Donation and Children

September 30, 2009  Organ Donation
Readings: Kathryn Peterson, *My Father’s Eyes and My Mother’s Heart: Due Process Rights of the Next of Kin in Organ Donation*, 40 Val. U. L. Rev. 169

October 5, 2009  Substance abuse and pregnancy
Readings: *State v. McKnight*, 352 S. C. 635, 576 S. E. 2d 168
SB 319/Texas—78th Legislature
Physician Notice from Rebecca King, District Attorney for Potter County, Texas
Opinion Request RQ-0250-GA
Attorney General Opinion GA-0291, January 5, 2005
*Ex Parte Perales*, 215 S. W. 3d 418 (Feb. 14, 2007)
*Ward v. State*, 188 S. W. 3d 874
*State v. Aiwohi*, 10 Hawai’i 115, 123 P. 3d 1210 (December 12, 2005)
AB 994/Wisconsin, 2005
*Angela M. W. v. Kruzicki*, 209 Wis. 2d 112, 561 N. W. 2d. 729
Wisconsin Children’s Code, W. S. A. 48.01—Title and Legislative Purposes
Minnesota Statutes Annotated, Chapter 253B—Civil Commitment;
Sec. 253B.02 (Subd. 2)
Lovill v. Texas, 2008 WL 5275531

October 7, 2009
Contraception and conscience legislation
Readings: Mary K. Collins, Conscience Clauses and Oral Contraceptives: Conscientious Objection or Calculated Obstruction, R. Alta Charo, The Celestial Fire of Conscience--Refusing to Deliver Medical Care, New England Journal of Medicine, June 16, 2005
American Bar Association Section on Individual Rights and Responsibilities Health Law Section Report to the House of Delegates
American Medical Association Policy Statements H-5.995, E. 10.05, and H-295.896
NCSL chart--50 State Summary of Emergency Contraception Legislation, June, 2009
Guttmacher Institute, Emergency Contraception, August 1, 2007
SB 2619/Mississippi
HB 1215/South Dakota

October 12, 2009
Minors and Abortion
Readings: HB763/New Hampshire/2003
Ayotte v. Planned Parenthood of Northern New England, 126 S. Ct. 961
Amendment to SB 359/75th Legislature
Section 1.42 SB 419/Texas/79th Legislature and amendments considered in creating the provision
Alpha Medical Clinic and Beta Medical Clinic v. Anderson, 280 Kan. 903, 128 P 3d 364
Michelle Fine and Sara I. McClelland, The Politics of Teen Women’s Sexuality: Public Policy and the Adolescent Female Body, 56 Emory L. J. 993

October 14, 2009
Meet Jane Doe
Readings: Sec. 7, SB 785/80th Legislative Session
Paul Danielson, Judicial Recusal and a Minor’s Right to an Abortion, 2 NW J. L. & Soc. Pol’y 125 (Summer, 2009)
In re Jane Doe, 19 S. W. 3d 249 (Feb. 25, 2000)
In re Jane Doe, 19 S. W. 3d 300 (March 10, 2000)
In re Jane Doe, 19 S. W. 3d 300 (June 22, 2000)
In re Jane Doe, 19 S. W. 3d 278 (March 3, 2000)
October 19, 2009  
**Assisted Reproductive Technology**
Medical Terminology Glossary
*K. M. v. e. G.* 37 Cal. 4th 130, 117 P. 3d 673, 33 Cal Rptr.3d 61 (Aug. 22, 2005)
*In re Roberto d.B.* 399 Md. 267, 923 A. 2d 115 (May 16, 2007)
HB 729/78th Legislature
Ethics Committee Reports--American Society for Reproductive Medicine
Informing offspring of their conception by gamete donation
Oocyte donation to postmenopausal women
Posthumous reproduction
Use of fetal oocytes in assisted reproduction
Embryo splitting for infertility treatment
Financial compensation of oocyte donors
Access to fertility treatment by gays, lesbians, and unmarried persons

October 21, 2009  
**Medical care in prisons**
Readings for the following topics will be distributed in early October: Compelled treatment, organ donation, ART, physician role in executions, babies in prison, and orchiectomy for sex offenders.

October 26, 2009  
**Isolation and quarantine—Role of the courts**

October 28, 2009  
**Vaccinations**

November 2, 2009  
**The Business of Medicine—“Pay or Play” and Mandatory Coverage**
NCSL Chart--2007 "Pay or Play" Bills
SB 790/Maryland
Retail Industry Leaders Ass’n v. Fielder, 475 F.3d 180
Patricia Butler, *ERISA Implications for State Health Care Initiatives*, Academy Health and National Academy for State Health Policy
Health Care Access and Affordability Conference Committee Report*
(*Specific provisions of the Act will be provided prior to class.)
SAN FRANCISCO CASE

November 4, 2009  
**Hospital issues—Specialty hospitals in Texas**

SB 872/79th Legislature

Texas Department of State Health Services Status of Niche and General Hospitals in Texas Report to the Legislature, December 1, 2006


---

**November 9, 2009**

**Charity care and community benefits**

Readings:

- Attorney General Pamphlet--Access to Health Care
- Texas Hospital and Charity Care Facts
- Texas Health & Safety Code, Sec. 311.031 et.seq.*
- Texas Tax Code, Sec. 11.1801 et seq.*

(*Legislation forming the basis of these chapters includes SB 1190, 74th Reg. Session and SB 788, 75th Reg. Session)

- Jack Hanson, *Are We Getting Our Money's Worth? Charity Care, Community Benefits, and Tax Exemption at Nonprofit Hospitals*, 17 Loy. Consumer L. Rev. 395
- *NonProfit Hospitals and the Provision of Community Benefits*, Congressional Budget Office, December, 2006

---

**Role of States in Veterans’ Health Care**

---

**November 16, 2009**

**Access to care**

Readings:

- Article 9, Section 4, The Texas Constitution
- *County Indigent Health Care Program, Basic and Optional Health Care Service*, Texas Department of State Health Services

*Health Care in the Express Lane: The Emergence of Retail Clinics*, California Healthcare Foundation, July, 2006

Listing of Intermountain Health Community Health Partnerships, including clinics in schools

**November 18, 2009**

**Readings**

**Immigration and health care**


*Common Immigration Terms--National Conference of State Legislatures*

Fact sheets--*Public Charge, Immigration Status and Public Benefits, and Qualified and Non-qualified Immigrants Benefits Eligibility Chart* (Midwest Immigrant and Human Rights Center)


*The Role of States in Immigration Enforcement*, House Research Report No. 79-12, Texas House of Representatives, February 24, 2006

Texas Attorney General Opinion JC-0394


National Immigration Law Center Issue Brief, *Prenatal Coverage for Immigrants Through the State Children’s Health Insurance Program (SCHIP)*, June 2003

*The Impact of Immigration on Health Insurance Coverage in the United States*, EBRI Notes, Vol. 26, No. 6, p 2-8 (June, 2005)

Arizona Initiative--adopted November, 2004

**November 23, 2009**

**Readings**

**Mental Health Courts**

Chapter 616, Texas Health & Safety Code

Ronald L. Scott, Legislative Briefing: Mental Health Courts, February 8, 2006


**November 30 and December 2, 2009**—Reforming health care delivery