

BILL ANALYSIS

H.B. 2351
By: Harless
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties are concerned that, given the complexity of end-of-life care, Texas' Advance Directives Act lacks clarity in certain matters. The parties point out that an ethics committee reviews a physician's decision when there is a disagreement between the family of a patient and a physician over treatment decisions, but the law does not provide any specified policy or guidance for an ethics committee to follow for certain conflicts of interest that may arise during a review or for the consideration of a patient's permanent physical or mental disability during a review. H.B. 2351 seeks to address this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2351 amends the Health and Safety Code to require each health care facility that provides review by an ethics or medical committee of an attending physician's refusal to honor a patient's advance directive or a health care or treatment decision made by or on behalf of a patient to adopt and implement a policy to prevent financial and health care professional conflicts of interest that may arise during such a review and a policy to prohibit consideration of a patient's permanent physical or mental disability during such a review unless the disability is relevant in determining whether a medical or surgical intervention is medically appropriate. The bill requires a health care facility to adopt the required policies not later than April 1, 2016, and establishes that such policies apply to an ethics or medical committee review conducted on or after April 1, 2016.

EFFECTIVE DATE

September 1, 2015.