

By: A. Johnson of Harris, Leach, Slawson

H.B. No. 3058

A BILL TO BE ENTITLED

AN ACT

relating to the operation of the physician-patient relationship with respect to certain medically necessary services.

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

SECTION 1. Chapter 74, Civil Practice and Remedies Code, is amended by adding Subchapter L to read as follows:

SUBCHAPTER L. MEDICALLY NECESSARY SERVICES

Sec. 74.551. DEFINITIONS. In this subchapter:

(1) "Medically necessary" means medical services that are supported by documentation which show the services are:

(A) reasonable and necessary to prevent illness, medical, or dental conditions, or provide early screening, interventions, or treatments for conditions that cause suffering or pain, cause physical deformity or limitations in function, threaten to cause or worsen a disability, cause illness or infirmity of a patient, or endanger the patient's life;

(B) consistent with health care practice guidelines and standards that are issued by professionally recognized health care organizations or governmental agencies;

(C) consistent with the diagnoses of the conditions;

(D) no more intrusive or restrictive than necessary to provide a proper balance of safety, effectiveness, and efficiency;

1           (E) not experimental or investigative; and

2           (F) not primarily for the convenience of the  
3 physician or patient engaged in a physician-patient relationship.

4           (2) "Physician-patient relationship" means a  
5 consensual relationship that exists because of a contract, express  
6 or implied, that the physician will treat the patient with proper  
7 professional skill.

8           Sec. 74.552. EFFECT OF PATIENT CONSENT TO MEDICALLY  
9 NECESSARY SERVICES. For purposes of this chapter or any other law,  
10 a physician engaged in a physician-patient relationship is not  
11 liable in a proceeding conducted under the laws of this state solely  
12 for providing medically necessary services to the patient if the  
13 physician complies with Subchapter C and the patient consents to  
14 the services.

15           SECTION 2. This Act takes effect September 1, 2023.