

BILL ANALYSIS

H.B. 1122
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Civil Practices
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Certain medical treatments and surgical procedures require disclosure of the risks and hazards to the patient or person authorized to consent for the patient. Texas Civil Practice & Remedies Code, Section 74.103, requires the Texas Medical Disclosure Panel to identify which treatments and procedures require disclosure of risks and which do not. For each treatment or procedure for which disclosure of risks are required, forms must be developed by the Texas Medical Disclosure Panel. Use of forms developed by the Texas Medical Disclosure Panel is required of providers. Moreover, use of the forms protects providers against complaints by a patient alleging lack of informed consent.

The existing forms for treatments or procedures have been developed solely in English, with the exception of the form related to informed consent for hysterectomies which is also in Spanish. The Texas Department of State Health Services currently provides patient disclosure and consent forms in Spanish and English (such as for drug therapy, treatment of latent tuberculosis, treatment of HIV, birth control pills, and treatment of Hansen's Disease, among others). HB 1122 requires the Texas Medical Disclosure Panel to develop model forms in Spanish as well as English. While major hospital systems already translate English forms into Spanish, a common translation would eliminate the variability among translations and eliminate any possibility regarding lack of informed consent as required by law. Development of forms will help ensure that, for those patients who are illiterate, the provisions are appropriately explained by the provider, regardless of primary language.

House Bill 1122 proposes to require the Texas Medical Disclosure Panel to develop forms related to List A treatments and procedures, in English, Spanish and any other language deemed appropriate by the Texas Medical Disclosure Panel. Existing forms must be revised prior to January 1, 2006.

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

House Bill 1122 amends Section 74.103(b), Civil Practice and Remedies Code, to add that each provision of a disclosure form prepared under this subsection must be printed in English, Spanish and any other language the panel considers appropriate.

EFFECTIVE DATE

September 1, 2005