

By: Nixon

H.B. No. 740

A BILL TO BE ENTITLED

AN ACT

relating to updating citations to Chapter 74, Civil Practice and Remedies Code, in Chapter 578, Health and Safety Code.

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

SECTION 1. Section 578.003(a), Health and Safety Code, is amended to read as follows:

(a) The board by rule shall adopt a standard written consent form to be used when electroconvulsive therapy is considered. The board by rule shall also prescribe the information that must be contained in the written supplement required under Subsection (c). In addition to the information required under this section, the form must include the information required by the Texas Medical Disclosure Panel for electroconvulsive therapy. In developing the form, the board shall consider recommendations of the panel. Use of the consent form prescribed by the board in the manner prescribed by this section creates a rebuttable presumption that the disclosure requirements of Sections 74.104 and 74.105, Civil Practice and Remedies Code [~~6.05 and 6.06, Medical Liability and Insurance Improvement Act of Texas (Article 4590i, Vernon's Texas Civil Statutes)~~], have been met.

SECTION 2. This Act applies only to a cause of action that accrues on or after the effective date of this Act. An action that accrued before the effective date of this Act is governed by the law applicable to the action immediately before the effective date of

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1    this Act, and that law is continued in effect for that purpose.

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