

By: Truitt

H.B. No. 2765

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the definition of a legally authorized representative
3 under the Texas Hospital Licensing Law.

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

5 SECTION 1. Section 241.151(5), Health and Safety Code, is
6 amended to read as follows:

7 (5) "Legally authorized representative" means:

8 (A) a parent or legal guardian if the patient is a
9 minor;

10 (B) a legal guardian if the patient has been
11 adjudicated incapacitated to manage the patient's personal
12 affairs;

13 (C) an agent of the patient authorized under
14 a durable power of attorney for health care;

15 (D) an attorney ad litem appointed for the
16 patient;

17 (E) a person authorized to consent to medical
18 treatment on behalf of the patient under Chapter 313;

19 (F) a guardian ad litem appointed for the
20 patient;

21 (G) a personal representative or heir of the
22 patient, as defined by Section 3, Texas Probate Code, [~~statutory~~
23 beneficiary] if the patient is deceased;

24 (H) an attorney retained by the patient or by

1 the patient's legally authorized representative; or

2 (I) a person exercising a power granted to the
3 person in the person's capacity as [~~or~~] an attorney-in-fact or
4 agent of the patient by a statutory durable power of attorney that
5 is signed by the patient as principal.

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