

AN ACT

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

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

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

(5) "Legally authorized representative" means:

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

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

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

(D) [] an attorney ad litem appointed for the patient;

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

(F) [] a guardian ad litem appointed for the patient;

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

(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.

President of the Senate

Speaker of the House

I certify that H.B. No. 2765 was passed by the House on May 13, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 2765 was passed by the Senate on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor