

1-1 By: Truitt (Senate Sponsor - Nelson) H.B. No. 2765  
1-2 (In the Senate - Received from the House May 16, 2005;  
1-3 May 17, 2005, read first time and referred to Committee on Health  
1-4 and Human Services; May 20, 2005, reported favorably by the  
1-5 following vote: Yeas 7, Nays 0; May 20, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the definition of a legally authorized representative  
1-9 under the Texas Hospital Licensing Law.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 241.151(5), Health and Safety Code, is  
1-12 amended to read as follows:

1-13 (5) "Legally authorized representative" means:

1-14 (A) a parent or legal guardian if the patient is a  
1-15 minor;

1-16 (B)  a legal guardian if the patient has been  
1-17 adjudicated incapacitated to manage the patient's personal  
1-18 affairs;

1-19 (C)  an agent of the patient authorized under  
1-20 a durable power of attorney for health care;

1-21 (D)  an attorney ad litem appointed for the  
1-22 patient;

1-23 (E) a person authorized to consent to medical  
1-24 treatment on behalf of the patient under Chapter 313;

1-25 (F)  a guardian ad litem appointed for the  
1-26 patient;

1-27 (G)  a personal representative or heir of the  
1-28 patient, as defined by Section 3, Texas Probate Code, [statutory  
1-29 beneficiary] if the patient is deceased;

1-30 (H)  an attorney retained by the patient or by  
1-31 the patient's legally authorized representative; or

1-32 (I) a person exercising a power granted to the  
1-33 person in the person's capacity as ~~or~~ an attorney-in-fact or  
1-34 agent of the patient by a statutory durable power of attorney that  
1-35 is signed by the patient as principal.

1-36 SECTION 2. This Act takes effect September 1, 2005.

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