

## **BILL ANALYSIS**

Senate Research Center  
83R7448 CLG-F

S.B. 651  
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Jurisprudence  
4/3/2013  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, a medical power of attorney document is not deemed to be valid unless it is signed in the presence of two competent adult witnesses. However, the current law fails to specify who is required to sign the power of attorney document. Further, the requirement limits the instances in which a signature can be deemed valid, despite the existence of verification measures such as notarization.

S.B. 651 clarifies current law by stating that the principal must sign the document in the presence of two competent witnesses in order for the document to be valid. In addition, S.B. 651 recognizes the principal's signature as valid if the signature is acknowledged by a notary public.

As proposed, S.B. 651 amends current law relating to a medical power of attorney.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 166.163 and 166.164, Health and Safety Code, as follows:

Sec. 166.163. FORM OF DISCLOSURE STATEMENT. Sets forth the required text for the disclosure statement form.

Sec. 166.164. FORM OF MEDICAL POWER OF ATTORNEY. Sets for the required text for the medical power of attorney form.

SECTION 2. Requires the executive commissioner of the Health and Human Services Commission, not later than October 1, 2013, to adopt the forms necessary to comply with the changes in law made by this Act.

SECTION 3. Makes application of this Act prospective.

SECTION 4. (a) Effective date, except as provided by Subsection (b): January 1, 2014.

(b) Effective date, Section 2 of this Act: September 1, 2013.