



FLOOR AMENDMENT NO.

15 MAY 68 PM 12:40
HOUSE OF REPRESENTATIVES

BY JBZ

1 Amend S.B. No. 200 (house committee printing) by adding the
2 following appropriately numbered SECTIONS to ARTICLE 2 of the
3 bill and renumbering SECTIONS of that ARTICLE accordingly:

4 SECTION __. Section 166.046(e), Health and Safety Code, is
5 amended to read as follows:

6 (e) If the patient or the person responsible for the
7 health care decisions of the patient is requesting life-
8 sustaining treatment that the attending physician has decided
9 and the review process has affirmed is inappropriate treatment,
10 the patient shall be given available life-sustaining treatment
11 pending transfer under Subsection (d). The patient is
12 responsible for any costs incurred in transferring the patient
13 to another facility. The executive commissioner shall adopt
14 rules requiring [~~physician and~~] the health care facility,
15 including physicians of the health care facility, [~~are not~~
16 ~~obligated~~] to provide life-sustaining treatment for at least 21
17 days after the date [~~10th day after~~] the written decision
18 required under Subsection (b) is provided to the patient or the
19 person responsible for the health care decisions of the patient
20 unless ordered to do so under Subsection (g).

21 SECTION __. Section 166.052(a), Health and Safety Code, as
22 amended by S.B. No. 219, Acts of the 84th Legislature, Regular
23 Session, 2015, is amended to read as follows:

24 (a) In cases in which the attending physician refuses to
25 honor an advance directive or treatment decision requesting the
26 provision of life-sustaining treatment, the statement required
27 by Section 166.046(b) (3) (A) shall be in substantially the
28 following form:

29 When There Is A Disagreement About Medical Treatment: The

1 Physician Recommends Against Life-Sustaining Treatment That You
2 Wish To Continue

3 You have been given this information because you have
4 requested life-sustaining treatment,* which the attending
5 physician believes is not appropriate. This information is being
6 provided to help you understand state law, your rights, and the
7 resources available to you in such circumstances. It outlines
8 the process for resolving disagreements about treatment among
9 patients, families, and physicians. It is based upon Section
10 166.046 of the Texas Advance Directives Act, codified in Chapter
11 166 of the Texas Health and Safety Code.

12 When an attending physician refuses to comply with an
13 advance directive or other request for life-sustaining treatment
14 because of the physician's judgment that the treatment would be
15 inappropriate, the case will be reviewed by an ethics or medical
16 committee. Life-sustaining treatment will be provided through
17 the review.

18 You will receive notification of this review at least 48
19 hours before a meeting of the committee related to your case.
20 You are entitled to attend the meeting. With your agreement, the
21 meeting may be held sooner than 48 hours, if possible.

22 You are entitled to receive a written explanation of the
23 decision reached during the review process.

24 If after this review process both the attending physician
25 and the ethics or medical committee conclude that life-
26 sustaining treatment is inappropriate and yet you continue to
27 request such treatment, then the following procedure will occur:

28 1. The physician, with the help of the health care
29 facility, will assist you in trying to find a physician and
30 facility willing to provide the requested treatment.

31 2. You are being given a list of health care providers and

1 referral groups that have volunteered their readiness to
2 consider accepting transfer, or to assist in locating a provider
3 willing to accept transfer, maintained by the Department of
4 State Health Services. You may wish to contact providers or
5 referral groups on the list or others of your choice to get help
6 in arranging a transfer.

7 3. The patient will continue to be given life-sustaining
8 treatment until he or she can be transferred to a willing
9 provider for up to ²¹~~60~~ [10] days from the time you were given the
10 committee's written decision that life-sustaining treatment is
11 not appropriate.

12 4. If a transfer can be arranged, the patient will be
13 responsible for the costs of the transfer.

14 5. If a provider cannot be found willing to give the
15 requested treatment within ²¹~~60~~ [10] days, life-sustaining
16 treatment may be withdrawn unless a court of law has granted an
17 extension.

18 6. You may ask the appropriate district or county court to
19 extend the ²¹~~60-day~~ [10-day] period if the court finds that there
20 is a reasonable expectation that a physician or health care
21 facility willing to provide life-sustaining treatment will be
22 found if the extension is granted.

23 *"Life-sustaining treatment" means treatment that, based on
24 reasonable medical judgment, sustains the life of a patient and
25 without which the patient will die. The term includes both life-
26 sustaining medications and artificial life support, such as
27 mechanical breathing machines, kidney dialysis treatment, and
28 artificial nutrition and hydration. The term does not include
29 the administration of pain management medication or the
30 performance of a medical procedure considered to be necessary to
31 provide comfort care, or any other medical care provided to

1 alleviate a patient's pain.