

By: Zedler

H.B. No. 4008

A BILL TO BE ENTITLED

AN ACT

relating to the rights of health care consumers.

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

SECTION 1. Subtitle H, Title 2, Health and Safety Code, is amended by adding Chapter 173 to read as follows:

CHAPTER 173. HEALTH CARE CONSUMER RIGHTS ACT

Sec. 173.001. SHORT TITLE. This chapter may be cited as the Health Care Consumer Rights Act.

Sec. 173.002. DEFINITIONS. In this chapter:

(1) "Health care consumer" means a person who seeks or acquires health care services from a health care practitioner for the consumer or the consumer's pet.

(2) "Health care practitioner" means a person licensed to practice under:

(A) Title 3, Occupations Code; or

(B) Chapter 801, Occupations Code.

(3) "Legally authorized representative" means:

(A) a parent, managing conservator, or guardian of a health care consumer who is a minor;

(B) a guardian of a health care consumer who has been adjudicated incompetent to manage the consumer's personal affairs; or

(C) a health care consumer's agent authorized under a durable medical power of attorney under Chapter 166.

1 Sec. 173.003. HEALTH CARE CONSUMER RIGHTS. (a) A health
2 care consumer or the consumer's legally authorized representative
3 has, in relation to a medical or health care service or treatment
4 plan proposed for the consumer or consumer's pet, the right to:

5 (1) receive full disclosure of:

6 (A) the consumer's or the consumer's pet's health
7 status; and

8 (B) the risks or hazards associated with the
9 service or treatment plan;

10 (2) participate in the decision-making process for the
11 service or treatment plan;

12 (3) determine the appropriateness of the service or
13 treatment plan; and

14 (4) refuse the service or treatment plan.

15 (b) Except as otherwise provided by law, a health care
16 consumer or the consumer's legally authorized representative may
17 request or authorize a medical or health care service or treatment
18 plan only if the health care practitioner provides the consumer or
19 representative a disclosure for the service or treatment plan that
20 allows the consumer or representative to exercise all of the rights
21 described by Subsection (a).

22 (c) This section does not impose any requirements on a
23 health care practitioner to provide a medical or health care
24 service or develop or implement a treatment plan.

25 SECTION 2. The changes in law made by this Act apply only to
26 a medical or health care service provided or treatment plan
27 developed on or after the effective date of this Act. A medical or

1 health care service provided or treatment plan developed before the
2 effective date of this Act is governed by the law as it existed
3 immediately before the effective date of this Act, and that law is
4 continued in effect for that purpose.

5 SECTION 3. This Act takes effect September 1, 2017.