

By: Perry

S.B. No. 883

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the disclosure of life-sustaining treatment policies
3 and to life-sustaining treatment for a patient under 18 years of
4 age.

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

6 SECTION 1. This Act shall be known as "Simon's Law."

7 SECTION 2. Subchapter A, Chapter 166, Health and Safety
8 Code, is amended by adding Sections 166.012 and 166.013 to read as
9 follows:

10 Sec. 166.012. DISCLOSURE OF LIFE-SUSTAINING TREATMENT
11 POLICY. (a) On request of a patient, prospective patient, or person
12 authorized to make health care or treatment decisions on behalf of a
13 patient or prospective patient, a health care facility or physician
14 treating the patient, as applicable, shall disclose in writing any
15 policy relating to the provision of life-sustaining treatment to a
16 patient in the health care facility or by the physician.

17 (b) This section does not require a health care facility or
18 physician to have a written policy relating to the provision of
19 life-sustaining treatment to a patient.

20 Sec. 166.013. PATIENTS WHO ARE MINORS. (a) In this section,
21 "minor patient" means a patient under 18 years of age who has not
22 had the disabilities of minority removed for general purposes.

23 (b) Subject to Subsections (d) and (e), a health care
24 facility or physician may not withhold or withdraw life-sustaining

1 treatment from or place any restriction on the provision of
2 life-sustaining treatment to a minor patient unless withholding,
3 withdrawing, or restricting the provision of life-sustaining
4 treatment is authorized by:

- 5 (1) a directive executed under Section 166.035; or
6 (2) an out-of-hospital DNR order executed under
7 Section 166.085.

8 (c) A health care facility or physician may not withhold or
9 withdraw life-sustaining treatment from or place any restriction on
10 the provision of life-sustaining treatment to a minor patient under
11 an authorization described by Subsection (b) unless the health care
12 facility or physician has:

- 13 (1) complied with any request of the minor patient's
14 parent, legal guardian, or managing conservator to obtain another
15 medical opinion; or

- 16 (2) cooperated with any attempt by the minor patient's
17 parent, legal guardian, or managing conservator to transfer the
18 minor patient to another facility selected by the parent, guardian,
19 or conservator.

20 (d) Subject to Subsection (e), a health care facility or
21 physician may withhold or withdraw life-sustaining treatment from
22 or place a restriction on the provision of life-sustaining
23 treatment to a minor patient without the authorization described by
24 Subsection (b) if, after a reasonably diligent effort, the facility
25 is unable to locate the minor patient's parent, legal guardian, or
26 managing conservator within 72 hours after the attending physician
27 determines the life-sustaining treatment to be medically

1 inappropriate because administering the treatment would create a
2 greater risk of causing or hastening the death of the minor patient
3 than withholding, withdrawing, or restricting the provision of the
4 treatment.

5 (e) The desire of a competent minor patient to receive
6 life-sustaining treatment supersedes the effect of any
7 authorization described by Subsection (b) or any determination by
8 an attending physician under Subsection (d).

9 SECTION 3. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2017.