

BILL ANALYSIS

H.B. 148
By: Johnson, Julie
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Medical Disclosure Panel is responsible for developing the informed consent notices physicians must give to patients about medical treatments and procedures. Informed consent is critical for patient autonomy and an important protocol for safe medical care. This information must be delivered in a manner that is comprehensible to the average person so they can make an informed decision regarding their personal health. However, the panel currently consists of physicians and attorneys and does not include patient advocates who could provide critical input. Further, there are no additional requirements that attorneys must meet in order to be appointed to the panel, such as having a background in representing the interests of patients or even health law. The panel is administratively attached to the Texas Health and Human Services Commission and its members are appointed by the executive commissioner. It is the general practice in Texas that state-created committees, commissions, and boards include public representatives as well as experts related to the particular subject matter before these entities. H.B. 148 seeks to address these issues by adding two new members representing the general public to the Texas Medical Disclosure Panel and including additional requirements for attorneys on the panel.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 148 amends the Civil Practice and Remedies Code to increase the number of members of the Texas Medical Disclosure Panel from nine to 11 by adding two members representing the public. With respect to the appointment of these two members, the bill does the following:

- requires at least one of the two to have a background in health literacy;
- prohibits the appointment of a registered lobbyist, a health care provider or the spouse of a health care provider, or a person who works in any health care-related field, including health insurance; and
- requires preference to be given to persons with experience in advocating for the public interest.

H.B. 148 requires at least one of the three panel members appointed on the basis of being licensed to practice law to be board certified in personal injury trial law by the Texas Board of Legal Specialization (TBLs) and at least one of the three members to be board certified in health law by the TBLs.

H.B. 148 requires the executive commissioner of the Health and Human Services Commission, not later than January 1, 2024, to appoint new members to the panel in accordance with the bill's provisions.

EFFECTIVE DATE

September 1, 2023.