

Support HB 2351: Protecting Patients from Discrimination and Conflicts of Interest at the End of Life by Rep. Patricia Harless

Goal: Texas Alliance for Life supports amending Chapter 166, Health and Safety Code, to protect patients by requiring hospitals to adopt policies ensuring the ethics review committee and process is free from conflicts of interest and discrimination based on physical or mental disability.

Background:

In 1999, The Texas Legislature unanimously passed the Texas Advance Directives Act (TADA). Under TADA, when a doctor and a patient (or his/her surrogate) disagree about appropriate end-of-life treatment, the disagreement is taken before an ethics review committee.

The ethics review committee reviews the doctor's decision to withhold life-sustaining treatment. The ethics committee does not have any power to make medical decisions. Rather, if the committee agrees with the doctor that the desired treatment is inappropriate or unethical, the doctor will not have civil or criminal liability for ceasing to provide life-sustaining treatment at the end of a ten-day period, during which time the patient can be transferred to an alternate provider. On the other hand, if the committee disagrees with the doctor's decision, the doctor will not have immunity from civil or criminal liability for withdrawing the life-sustaining treatment,

Current Texas law prohibits the physician who wishes to discontinue life-sustaining treatment from serving on the ethics review committee.

Texas law does not currently require hospitals to ensure their ethics committees are devoid of professional or financial conflicts of interest. It is also not mandated that ethics committees make their decisions without considering a patient's permanent physical or mental disability.

Public Policy:

House Bill 2351 would require each hospital to adopt policies that ensure patients are treated fairly and free from discrimination.

The bill will prevent "financial and health care professional conflicts of interest" that could arise during a review of a physician's end-of-life treatment decisions.

It will also require hospitals to prohibit ethics committees from considering a patient's permanent physical or mental disability during their review, unless the disability is relevant in determining whether the treatment is medically appropriate.