

Summary:
**The Dispute Resolution Process in the Texas Advance Directives Act
Compared to Other States' Laws**

The dispute resolution process in the Texas Advance Directives Act compares very well with related laws in other states. It is unique in balancing the patient or family's autonomy regarding end-of-life medical decisions with a physician's conscience rights to not order medically inappropriate painful interventions to prolong the patient's death without a proportionate benefit.

Due Process Requirements

In rare cases when a dispute cannot be resolved, the Texas law provides safe harbor from liability for the physician. However, the safe harbor is available only after meeting several rigorous due process requirements, including attempting and when possible providing a transfer, providing life-sustaining interventions for at least 10 days, and providing palliative care and artificially administered nutrition and hydration indefinitely.

The statute further provides that a court can extend the time period if there is a "reasonable expectation" that an alternative provider can be found.

Comparison with Other States

- Of 23 states that allow safe harbor for physicians to withdraw life-sustaining interventions Texas provides the most protection for the autonomy of the patients.
- Of 27 other states and the District of Columbia, none provides safe harbor for physicians and all require physicians to order harmful medical interventions for terminally ill patients indefinitely.
- In 2018, the Commonwealth of Virginia passed a dispute resolution law with safe harbor for the physician. That law was supported by the National Right to Life affiliated Virginia Society for Human Life.