

## **BILL ANALYSIS**

S.B. 2089  
By: Hughes  
State Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

It has been noted that an ethics or medical committee reviews a physician's decision when there is a disagreement between the physician and the family of the physician's patient relating to certain treatment decisions regarding the patient. However, concerns have been raised over the lack of guidance provided by the law for such a committee to follow for certain conflicts of interest that may arise during a review or for the consideration of a patient's permanent physical or mental disability during a review. S.B. 2089 seeks to address these concerns by requiring each health care facility that provides review by an ethics or medical committee to adopt and implement certain policies regarding advance directives or health care or treatment decisions made by or on behalf of patients.

### **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**

S.B. 2089 amends the Health and Safety Code to require each health care facility that provides review by an ethics or medical committee when a physician refuses to honor a patient's advance directive or a health care or treatment decision made by or on the behalf of the patient to adopt not later than April 1, 2020, and implement the following policies, which apply to a review conducted on or after that date:

- a policy on preventing substantial financial and health care professional conflicts of interest that may arise during the review; and
- a policy on prohibiting consideration of a patient's permanent physical or mental disability during the review unless the disability is relevant in determining whether a medical or surgical intervention is medically appropriate.

### **EFFECTIVE DATE**

September 1, 2019.