

BILL ANALYSIS

Senate Research Center

H.B. 723
By: Dukes (Wentworth)
Health & Human Services
5-15-97
Engrossed

DIGEST

Hysterectomies are a controversial medical procedure that may eventually affect one out of every three women in this country. There is support for a patient's consent and full understanding of the consequences of a hysterectomy. This bill would require the Medical Disclosure Panel to adopt a specific form with disclosures and warnings for hysterectomies.

PURPOSE

As proposed, H.B. 723 requires the Medical Disclosure Panel to adopt a specific form with disclosures and warnings for hysterectomies.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 4590i, V.T.C.S. (Medical Liability and Insurance Improvement Act of Texas), by adding Section 6.08, as follows:

Sec. 6.08. INFORMED CONSENT FOR HYSTERECTOMIES. (a) Requires the Medical Disclosure Panel (panel) to develop and prepare written materials to inform a patient or person authorized to consent for a patient of the risks and hazards of a hysterectomy and the availability of alternatives to a hysterectomy.

(b) Requires the materials to be available in English, Spanish, and any other language the panel considers appropriate. Requires the information to be presented in a manner understandable to a layperson.

(c) Sets forth the required information to be included in the materials.

(d) Requires the physician or health care provider to obtain informed consent under this section and Section 6.04 of this Act from the patient or person authorized to consent for the patient before performing a hysterectomy unless the hysterectomy is performed in a life-threatening situation in which the physician determines obtaining informed consent is not reasonably possible. Requires the physician or health care provider, if obtaining informed consent is not reasonably possible, to include in the patient's medical records a written statement signed by the physician certifying the nature of the emergency.

(e) Prohibits the panel from prescribing materials under this section without the approval of the Texas State Board of Medical Examiners.

SECTION 2. (a) Effective date: September 1, 1997.

(b) Requires the panel to prescribe the form and consent of the materials required to be distributed under Section 6.08, Medical Liability and Insurance Improvement Act of Texas (Article 4590i, V.T.C.S.), as added by this Act, by January 1, 1998.

(c) Provides that this Act applies only to a hysterectomy that is performed at least 90 days after the date that notice of the adoption of the initial form and content of the materials required to be distributed under Section 6.08, Medical Liability and Insurance Improvement Act of Texas (Article 4590i, V.T.C.S.), as added by this Act, is published in the Texas Register.

SECTION 3. Emergency clause.