

BILL ANALYSIS

Senate Research Center
79R3073 MFC-F

S.B. 555
By: Janek
State Affairs
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Certain medical treatments and surgical procedures require disclosure of the risks and hazards to the patient or person authorized to consent for the patient. Texas law requires the Texas Medical Disclosure Panel to identify which treatments and procedures require disclosure of risks and which do not. The treatments and procedures for which disclosure of risks are required are described in 25 TAC 601.2 (Procedures Requiring Full Disclosure -- List A). For each treatment or procedure described in List A, forms must be developed by the Texas Medical Disclosure Panel. The existing forms for List A treatments or procedures have been developed solely in English, with the exception of the form related to informed consent for hysterectomies, which is also in Spanish.

As proposed, S.B. 555 requires the Texas Medical Disclosure Panel to develop model forms in Spanish, English, and any other language the panel deems appropriate. Development of such forms will help ensure that the provisions are appropriately explained by the provider, regardless of primary language.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 74.103(b), Civil Practice and Remedies Code, to require each provision of a disclosure form prepared under this subsection to be printed in English, Spanish, and any other language the Texas Medical Disclosure Panel considers appropriate. Requires the information to be presented in a manner understandable to a layperson.

SECTION 2. (a) Requires the Texas Medical Disclosure Panel to provide new forms and revise existing forms according to the requirements of Section 74.103(b), Civil Practice and Remedies Code, as amended by this Act, not later than January 1, 2006.

(b) Provides that this Act applies only to those medical treatments and surgical procedures determined by the disclosure panel to require disclosure of the risks and hazards to the patient or person authorized to consent for the patient that are performed at least 90 days after the date the notice of the adoption of the form required to be distributed under Section 74.103(b), Civil Practice and Remedies Code, as amended by this Act, is published in the Texas Register.

SECTION 3. Effective date: September 1, 2005.