

## **BILL ANALYSIS**

Senate Research Center

S.B. 2355  
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Health & Human Services  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Medical ethics committees review a physician's decision when there is a disagreement between the family of a patient and a physician on treatment decisions; however, the law does not provide guidance for an ethics 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. End-of-life care is a morally complex matter. S.B. 2355 seeks to address this issue by requiring an adoption of policies that address professional conflict of interest and a patient's disability.

As proposed, S.B. 2355 amends current law relating to conflicts of interest and discrimination policies for an ethics or medical committee review of an advance directive.

### **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 Subchapter B, Chapter 166, Health and Safety Code, by adding Section 166.0465, as follows:

Sec. 166.0465. ETHICS OR MEDICAL COMMITTEE POLICIES ON CONFLICTS OF INTEREST AND DISCRIMINATION. Requires each health care facility that provides review by an ethics or medical committee under Section 166.046 (Procedure if Not Effectuating a Directive or Treatment Decision) to adopt and implement:

- (1) a policy to prevent financial and health care professional conflicts of interest that may arise during a review under that section; and
- (2) a policy to prohibit consideration of a patient's permanent physical or mental disability during a review under that section unless the disability is relevant in determining whether a medical or surgical intervention is medically appropriate.

SECTION 2. (a) Requires a health care facility to adopt the policies required by Section 166.0465, Health and Safety Code, as added by this Act, not later than April 1, 2020.

(b) Makes application of the policies adopted under Section 166.0465, Health and Safety Code, as added by this Act, prospective to April 1, 2020.

SECTION 3. Effective date: September 1, 2019.