

RESOLUTION

Reconsider Advanced Directive Act

A RESOLUTION TO: Reconsider the Texas Advanced Directives Act (1999) TADAC § 166.046 for possible revisions of the futile care clause.

WHEREAS, Texans whose medical conditions are considered "irreversible," §166.002 (9), meaning those that "may be treated, but not cured" by an attending physician are in danger of demise against their will; and

WHEREAS, Texans who are ill or who have disabilities and their families may be given as little as a 48 hour notice, § 166.046 (2), of one's case going before an Ethics committee § 166.002 (6) for review, following an attending physician's refusal to follow a patient's advanced directive; and

WHEREAS, if one's Ethics committee concurs with the attending physician that treatment is futile, then the individual and/or family has only 10 days to locate another physician and medical facility who is willing to treat the patient before treatment is abandoned; and

WHEREAS, there is no appeal process for an Ethics committee decision, save the courts, and only then for an extension of the 10 day rule if there is a "preponderance of evidence" that there is a reasonable expectation that an accepting physician/facility will be found if an extension is granted, now, therefore, be it

RESOLVED, That the 11th Texas Silver-Haired Legislature encourage and strongly recommend that the 80th Texas Legislature reconsider the Advanced Directives Act, TADAC § 166.046, to provide Texans with a more reasonable process for determining how their lives will continue or end with dignity.

PASSED AND APPROVED this 13th day of September, 2006, by the General Committee.

Maurice Osborn, Chair

PASSED AND APPROVED this 14th day of September, 2006, by the Texas Silver-Haired Legislature.

Charlotte Parks, Speaker

ATTEST:

Carlos Higgins, Secretary