



March 13, 2019

Dear Honorable Members of the Texas Legislature,

In the intervening two years since the 85th Texas Legislature, more Texans have fallen prey to the Texas Advance Directives Act (TADA) while a constitutional challenge awaits arguments in a Texas appellate court. Lack of action by the Legislature has left vulnerable hospitalized patients across Texas defenseless against this unjust, imbalanced, and unconstitutional law.

This law has been abused to speed the deaths of patients like Breanna, a 26-year-old with multiple sclerosis who was in the hospital following a stroke. Breanna's physician asked his own hospital committee for permission to remove her ventilator. When elaborating on his reason, he asked "[W]ho wants to live with multiple sclerosis?" After her family sought Texas Right to Life's help and intervention, Breanna was weaned from the ventilator within 48 hours and stable enough to return home to her family.

Currently, Section 166.046 of the Texas Health and Safety Code authorizes a physician to withdraw or withhold life-sustaining medical treatment from a patient against the patient's clear instruction through an advance directive, verbally expressed medical decisions, or direction of the patient's surrogate. The physician simply must obtain approval of the hospital's self-appointed and self-governed ethics committee to withdraw treatment (for any reason at all) and start a 10-day countdown. After the 10 days, the physician is legally permitted to forcibly withdraw basic life-sustaining treatment, despite the wishes or directive of the patient or surrogate. During the countdown period, the family bears the weight to transfer their loved one to another facility or physician willing to provide the necessary treatment. After 10 calendar days have passed, the physician and the facility have absolute legal immunity to withdraw and deny all life-sustaining and medical treatment, undeniably hastening or even causing the patient's death.

Instead of fostering an atmosphere of trust, communication, and resolution to treatment disagreements between providers, patients, and their families, the 10-day countdown fosters tension and discord between them--always with the patient on the losing side. This law violates the Pro-Life principles of respecting the worth and dignity of each individual human. The state undermines respect for the dignity of vulnerable patients when the authority to arbitrarily and unilaterally override the life and death medical decisions of patients and their families is given to doctors and hospital committees. Consequently, numerous Pro-Life, medical, and bioethical experts have condemned TADA for the inclusion of the 10-day provision.

Therefore, we, the undersigned, respectfully urge the Texas Legislature to repeal the unethical "10-day countdown" clause in Section 166.046 of the Texas Health and Safety Code during this 86th Session of the Texas Legislature.

Senator Bryan Hughes and Representative Richard Raymond have filed SB 2089 and HB 3158 which would leave intact the process of allowing physicians to raise ethical concerns about treatment decisions while still protecting the Right to Life of



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patients. The bill would allow physicians and hospital committees to transfer a patient while respecting the decision to maintain life-sustaining treatment until the patient can be safely transferred to another facility.

No other state has a medical ethics law as egregious as Texas's that violates the patient's Right to Life and constitutional right to due process. In fact, 12 other states explicitly reject the framework effectuated by TADA (AL, FL, KS, ID, MD, MA, MN, NH, NY, OK, OH, and WY).

We respectfully request that you and your office become involved in the passage of this vital measure.

Thank you for your consideration.

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