



# DPC Issue Brief

*...promoting progressive public policy  
for Texans with disabilities.*

**Title:** Necessary Revision to Chapter 166.046 of the Texas Health & Safety Code in support of continued treatment.

**Background:** Several DPC member organizations have been participating as members of the Advance Directives Coalition to consider changes to The Texas Advance Directives Act of 1999. There was an 'interim charge' to the House Public Health Committee to "Review issues relating to Chapter 166.046 of the Texas Health & Safety Code, and assess if patients and/or their loved ones have a sufficient opportunity to obtain transfer to an alternate facility and subsequent care in end-of-life situations." This chapter currently provides for a "10-day" time period for another facility to be found when the hospital providing the treatment determines the treatment to be 'futile'. Texas is one of the few states that have a legislated time period.

With respect to the value of all people, including those with disabilities, we oppose the premise of futility laws and legislation supporting involuntary euthanasia. The ability of the doctor to overrule both the patient and their surrogate in withdrawing life-sustaining treatment is in conflict of the principle of patient autonomy.

No change to the current legislation would continue the current system that has been recognized by many stakeholders to be problematic.

**Recommendation:** The Disability Policy Consortium (DPC) recommends that the Texas Legislature make revisions to Chapter 166.046 of the Texas Health & Safety Code to provide "treatment pending transfer" with no time limit which allows the individual or family the opportunity to find other treatment arrangements.

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**MEMBER ORGANIZATIONS:** *Statewide Members:* Advocacy, Incorporated, Brain Injury Association of Texas, Coalition of Texans with Disabilities, Epilepsy Coalition of Texas, The Institute for Disability Access/ADAPT, Lone Star Association for Persons in Supported Employment, Mental Health Association in Texas, National Alliance for the Mentally Ill of Texas, National Multiple Sclerosis Society of Texas, Texas Advocates, Texas AIDS Network, Texas Association of Centers for Independent Living, Texas Association of the Deaf, Texas Center for Disability Studies/ Texas Technology Access Project, Texas Council for Developmental Disabilities, Texas Federation of Families for Children's Mental Health, Texas Legal Services Center, Texas Mental Health Consumers, Texas State Independent Living Council, Texas State Sickle Cell Disease Association of America, The Center on Disability and Development at Texas A&M University, Council for Families for Children, United Cerebral Palsy of Texas, The Spina Bifida Association of Texas, Inc., and the Depression and Bipolar Support Alliance of Texas. *Local Members:* Epilepsy Foundation Central & South Texas. REACH Resource Centers on Independent Living – Dallas, Fort Worth and Denton, Corpus Christi Committee for Persons with Disabilities, Goodwill of Central Texas and Coastal Bend Center for Independent Living

**Allies:** Texas Right to Life