

PROPOSED DRAFT BILL FOR
85TH TEXAS LEGISLATIVE SESSION

HEALTH AND SAFETY CODE

TITLE 2. HEALTH

SUBTITLE H. PUBLIC HEALTH PROVISIONS

CHAPTER 173 - HEALTHCARE CONSUMER RIGHTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 173.001. SHORT TITLE. This chapter may be cited as the Healthcare Consumer Rights Act.

Sec. 173.002. DEFINITIONS. In this chapter:

(1) "Practitioner" means:

Licensed practitioners as defined in Title 3, and Title 4, Occupational Code practicing within their scope of practice.

(2) "Provider" means:

Unlicensed providers who offer health and wellness consultation and services regarding nutrition, exercise, physical or spiritual improvements.

(3) "Guardianship" means:

An individual's children, or animals, or on behalf of those who the individual has been granted authorization by medical power of attorney or by court order.

(4) "Healthcare Consumer" means:

Individuals or their representatives, as allowed by state law, seeking guidance on or treatment of healthcare issues from practitioners and providers for the individual and those in guardianship by the individual.

Sec. 173.003 HEALTHCARE CONSUMER RIGHTS

(1) This regulation requires practitioners or providers to actively include the healthcare consumer in the development, implementation, and revision of an

individual's wellness plan or plan of care for self or those in guardianship to meet the healthcare consumers desired psychological, physiological, and medical needs.

These rights include:

- a. being informed of health status,
- b. being involved in wellness and care planning and treatment, and
- c. being able to request or refuse treatment.

These rights must not be construed as a mechanism to demand the provision of treatment or services deemed medically unnecessary or inappropriate.

- (2) Healthcare consumers have the right to self-determine validity of information provided by practitioner or provider as being true, or false and that determination is not the responsibility of the state or federal government or regulatory agencies.
- (3) Healthcare consumers have the right to exempt their healthcare practitioner or provider from the limitations of standard of care in the development and implementation of an individual's wellness plan or plan of care for self or those in guardianship. Counsel, development and implementation of an individual's wellness plan or plan of care by exempted practitioner or provider is not to be deemed a violation of standard for care.

Note: Areas in yellow are modeled from [Medicare Patient Rights](#), green areas are substitutions. Where Medicare stated "physician" this term was changed to "practitioner or provider." Where Medicare stated, "patient", this term was changed to "healthcare consumer" or "self and those in guardianship."