



March 13, 2019

Dear Honorable Members of the Texas Legislature,

In the intervening two years since the 85<sup>th</sup> 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 86<sup>th</sup> 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



Texas Eagle Forum



southern baptists of texas convention



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.

James J. Graham, President  
Texas Right to Life

James Dickey, Chairman  
Republican Party of Texas

Bobby Schindler, President  
Terry Schiavo Life and Hope Network

Rick Scarborough, Founder  
Vision America

Carol Tobias, President  
National Right to Life

Julie McCarty, President  
Fran Rhodes, VP, Citizen Advocate Coordinator  
NE Tarrant Tea Party

Mark S. Ramsey, P.E.  
Chair, 2018 Republican Party of Texas Platform and Resolutions Committee

Tim Lambert, President  
Texas Home School Coalition

Saurabh Sharma, Chairman  
Young Conservatives of Texas

Hannah Mehta, Executive Director  
Protect TX Fragile Kids



Trayce Bradford, President  
Texas Eagle Forum



JoAnn Fleming, Executive Director  
Grassroots America - We the People PAC



Texas Eagle Forum

Richard and Yvette DeOtte, Founders  
Life Education and Action



Ann Hettinger, State Director  
Concerned Women for America



Kassi Dee Patrick Marks, JD  
Attorney and Pro-Life Advocate



The Most Reverend Rene Henry Gracida,  
Bishop Emeritus of Corpus Christi



Fr. Joseph C. Howard, Jr.  
Moral Theologian and Bioethicist  
John Paul the Great Bioethics Commission  
Professor of Bioethics  
Louisiana State University in Shreveport



Dr. David Hargroder, M.D., Bariatric and Trauma Surgeon  
John Paul the Great Bioethics Commission



Dr. Elizabeth D. Wickham  
Executive Director, LifeTree.org



Julie Grimstad, President  
Healthcare Advocacy and Leadership Organization



Mary Angela Knauss, M.D.



Matt Long, President  
Fredericksburg Tea Party



Texas Ethics and Religious Liberty Committee  
Southern Baptists of Texas Convention



Teresa Strack, Director  
Montgomery County Right to Life



Phil Sevilla, President  
Texas Leadership Institute for Public Advocacy



southern baptists  
of texas convention

