



## Fact Sheet on House Bill 1455

### *Right to Decide Act*

*Equality Texas Supports HB 1455*

<b>Bill Number:</b>	House Bill 1455
<b>Unofficial Name:</b>	Right to Decide Act
<b>Bill Author:</b>	Representative Donna Howard
<b>Joint Author:</b>	None
<b>Short description:</b>	In a lawsuit to determine the legitimacy of a medical power of attorney, the court would award attorney fees and court costs to the prevailing party. The court could also award health care costs incurred because of an unwarranted delay in enforcing a medical power of attorney.
<b>Current Status:</b>	<b>2/18/09</b> - Filed

#### **SUPPORTIVE STATEMENTS:**

Every adult has the right to contractually designate a medical power of attorney. People who have taken the necessary legal steps to ensure their health-related decisions are carried out should not have to worry that an estranged family member, unrelated neighbor, or other individual will thwart their own wishes or usurp their designee's decision-making authority.

HB 1455 would not prevent people from challenging medical powers of attorney. It would simply "up the ante" to discourage frivolous and thoughtless challenges to legitimate legal documents.

#### **QUICK FACTS:**

A medical power of attorney is one very important way that people can enforce their wishes regarding health care, and designate who will make medical decisions for them if they cannot do so themselves. Every Texan should have one.

Medical powers of attorney are especially important to lesbian, gay, bisexual and transgender Texans since Texas does not legally recognize same-sex relationships. Partners have few other legally binding avenues to protect their civil rights as a couple.

Texas law allows almost any interested party to challenge the authenticity, or legitimacy, of medical powers of attorney. Family, friends, clergy, even neighbors could bring a lawsuit to challenge a medical power of attorney. Currently, there is no downside to filing such a challenge.

HB 1455 would force people filing baseless lawsuits to literally pay for their actions. Prevailing parties would be compensated for attorney's fees, court costs and health care expenses incurred during any unwarranted delays caused by the proceedings.