

Texas Natural Death Act

Important Definitions

- A. "Attending Physician" – physician with primary responsibility for the care and treatment of the patient.
- B. "Directive" – a living will. In Texas it may be in written or non-written form if properly documented. No particular form is required, but there are certain prerequisites for validity.
- C. "Life-sustaining procedure" – a medical procedure or intervention which utilizes mechanical or other artificial means to sustain, restore, or supplant a vital function, which
 - a. When applied to a qualified patient, would serve only to artificially prolong the moment of death, and
 - b. Where in the judgment of the attending physician (noted in the qualified patient's medical record) death is imminent whether or not such procedures are used, or will result in a relatively short time without such procedures.
 - c. Definition does not include comfort measures, which must be provided.
- D. "Qualified Patient" – a patient diagnosed and certified in writing to be afflicted with a terminal condition by two physicians (one of whom is the attending physician), both of whom have personally examined the patient.
- E. "Terminal Condition" – an incurable or irreversible condition caused by injury, disease, or illness, which without the application of life-sustaining procedures, would, within reasonable medical judgment, produce death, and where the application of life-sustaining procedures serves only to postpone the moment of death of the patient.
- F. "Competent" – possessing the ability, based on reasonable medical judgment, to understand and appreciate the nature and consequences of a treatment decision, including the significant benefits and harms of and reasonable alternatives to any proposed treatment decision.
- G. "Incompetent" – lacking the ability, based on reasonable medical judgment, to understand and appreciate the nature and consequences of a treatment decision, including the significant benefits and harms of and reasonable alternatives to any proposed treatment decision.