

Resolution - Make Repealing the Anti-Life 10-Day Rule a Legislative Priority

Whereas, every year in Texas, an unreported number of vulnerable patients of every age—such as 1-year-old Tinslee Lewis of Fort Worth, 56-year-old Jose Portillo of Amarillo, and 61-year-old Carolyn Jones of Beaumont—are victims of the unethical, unconstitutional, and unprecedented 10-Day Rule in the Texas Advance Directives Act;

Whereas, Section 166.046, Texas Health and Safety Code, contains the anti-Life 10-Day Rule, which enables hospitals to unilaterally withhold or withdraw a patient’s basic Life-Sustaining Treatment (like a ventilator) against the patient’s or patient’s family’s will without any appeal; and

Whereas, the 2020 Platform of the Republican Party of Texas asserts that “We support legislation repealing the unethical ‘Ten-Day Rule’ in Section 166.046, Health and Safety Code, which allows physicians to withdraw basic life-sustaining treatment (like a ventilator) after an impending countdown” (Plank 277); and

Whereas, the 2020 Platform of the Republican Party of Texas further asserts that “We also support legislation replacing the Ten Day Rule with a truly life-affirming law that requires a patient’s or surrogate’s medical decision about basic life-sustaining treatment to be honored until the patient is transferred to another physician or facility that will honor the decision to continue life-sustaining treatment” (Plank 277); and

Whereas, the second principle of the 2020 Platform of the Republican Party of Texas affirms our belief in “The sanctity of innocent human life, created in the image of God, which should be equally protected from fertilization to natural death”; and

Whereas, no other state has such an egregious and unethical law that violates the patient’s Right to Life by handing over critical and personal medical decisions to physicians and hospital committees comprised of strangers, rather than relying on the patient’s expressed medical decision, written directive, or designated surrogate decision-maker; and

Whereas, the Legislative Priorities Committee of the 2020 Republican Party State Convention named Repealing the anti-Life 10-Day Rule as one of the ten Legislative Priorities offered to Republican delegates, but was not ultimately selected among the top eight; and

Therefore, be it resolved that the Republican Party of _____ County recommends the Legislative Priorities Committee of the State Convention adopt as a Legislative Priority for the 88th Legislative Session a call for the Texas Legislature to repeal the unethical, unconstitutional, unprecedented, and anti-Life 10-Day Rule, and replace it with a truly Life-affirming law that requires that physicians adhere to a patient or surrogate’s medical decision about life-sustaining Treatment and which provides for physicians who disagree with the patient’s decision to transfer the patient to another physician or facility that will honor the decision to continue life-sustaining treatment, guaranteeing Due Process and the Right to Life for vulnerable Texas patients like Tinslee Lewis, Carolyn Jones, and Jose Portilla.

Adopted this _____ day of _____, 2022, at the Precinct Convention of Precinct # _____ of the _____ County Republican Party of Texas.

Resolution to Make Repealing the Anti-Life 10-Day Rule a Legislative Priority

Background:

Every year in Texas, an unreported number of vulnerable patients of every age—such as then 1-year-old Tinslee Lewis of Fort Worth, 61-year-old Carolyn Jones of Beaumont, and then

56-year-old Jose Portilla of Amarillo—are victims of the unethical, unconstitutional, and unprecedented **10-Day Rule** in the Texas Advance Directives Act (TADA). This rule authorizes a physician to unilaterally withdraw or withhold basic life-sustaining medical treatment (like a ventilator) from a patient against the request of the patient's advance directive, expressed medical decisions, or direction of the patient's surrogate (Section 166.046, Texas Health and Safety Code).

Once the physician's decision is reviewed and agreed upon by the hospital's own ethics committee, **the patient or surrogate is given only ten days to transfer to another facility or physician willing to honor this basic medical decision of the patient before the hospital can legally pull the plug.** By providing complete civil, criminal, and administrative immunity, physicians and hospitals can commit involuntary euthanasia by removing basic life-sustaining treatment, inevitably speeding or causing the death of patients.

No other state has such an egregious law that violates the patient's Right to Life by handing over such critical and personal medical decisions to a hospital's ethics committee without even a safety mechanism for judicial review of the decision. In an amicus brief, Texas Attorney General Ken Paxton laid out why the current Texas law is unconstitutional. Like many other medical and legal scholars, Paxton concluded that "the Section 166.046 review process violates the Due Process Clause."

Two years ago, more than 25 Republican Conventions across the State passed Resolutions calling for the Party to make repealing the 10-Day Rule a Legislative Priority. The Legislative Priorities Committee supported the issue but it did not make the final list.

Plank 277 of the 2020 Republican Party of Texas Platform already supports Pro-Life legislation to repeal the unethical 10-Day Rule. Also, the 2020 Platform of the Republican Party of Texas asserts that "All innocent human life must be respected and safeguarded from fertilization to natural death" (Plank 328). **The anti-Life 10-Day Rule represents an attack on innocent human life that must be opposed by the Party of Life.**

Please support this Pro-Life Priority by passing the Resolution to add this issue as a Legislative Priority for the Republican Party of Texas.