

INFORMED CONSENT

# OPPOSE SB 95

*The legislature should seek to support health care workers' efforts to end the measles outbreak, not make it easier to sue them.*

## Why SB 95 is not the answer:

- Departs from Texas' well-established tort reform laws
- Expands opportunities for expensive lawsuits against health care workers
- Duplicates requirements in federal law
- Discourages providing immunizations during a deadly measles outbreak

## Patients already have longstanding legal protections for health care treatments.

### *Informed Consent Is Already in Texas Law*

Health care workers already discuss with patients the risks and benefits of vaccines in understandable terms to obtain informed consent. This includes empathetic conversation with patients and providing the Vaccine Information Statement (VIS), which is required by federal law for routine immunizations.

Current Texas law supports the standard of care for health care workers to disclose the risks and benefits that could influence a reasonable person's decision to consent to medical treatment, including immunizations.

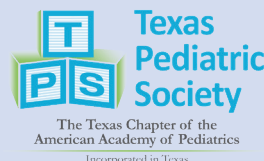
### *SB 95 Adds Health Care Costs, Discourages Immunization*

Health care workers often lose money or break even by providing vaccines, but do so as a public service. SB 95 would contribute to higher health care costs by adding additional requirements and potential liability, up to \$10,000 per incident, plus expensive attorney fees and other expenses. This may result in fewer health care workers offering immunizations.

This bill also insultingly suggests that health care workers receive kickbacks from vaccine manufacturers that compromise their duty to their patients. Health care workers take patient safety and vaccine-related injuries seriously, and existing patient protections already provide clear pathways for reporting and seeking damages for vaccine-related injuries.

## Texas already has strong informed consent laws.

SB 95 discourages providing immunizations by expanding lawsuit opportunities.



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