



Physicians Caring for Texans

**Senate Committee on State Affairs  
Testimony of the Texas Medical Association on  
Senate Bill 1647 by Sen. Perry  
March 15, 2021**

The Texas Medical Association is a private, voluntary, nonprofit association of more than 55,000 member physicians and medical students. TMA was founded in 1853 to serve the people of Texas in matters of medical care, prevention and cure of disease, and improvement of public health. Today, our maxim continues in the same direction: “Physicians Caring for Texans.”

TMA’s diverse physician members practice in all fields of medical specialization. Our member physicians fall on both sides of any debate on abortion. Our concerns with SB1647 are not based on any position on abortion. Rather, our concerns are with legislative intrusion into the patient-physician relationship and the details of the practice of medicine, creating a standard of care, and creating further reporting requirements on abortion with the potential for imposing administrative penalties or legal action against a physician.

The bill prescribes details of how medicine must be practiced, such as the examination, patient-physician communications, and protocols. TMA is concerned this legislation sets a dangerous precedent of the legislature prescribing the details of the practice of medicine.

Examples of concerns with the proposed bill are as follows:

Section 161.705 includes the addition of specific actions for physicians in interacting with patients with additional documentation at specific time of diagnosis.

Section 170.052 references a list of conditions including, “a probability of diagnosis that the child has a disability” which is vague.

Subchapter H references contemporary medical research related to fetal heartbeat; however, it is unclear what information has been used to establish definitions and standard practices created in the bill.

Section 171.209 allows almost anyone to bring civil actions against physicians, which is much broader than the current standing to sue in Chapter 171, where only the father or a maternal grandparent, if the mother is a minor, may bring a civil action.

The patient-physician relationship is one of mutuality and trust. Patients must be able to trust that their physicians are always acting in each patient’s individual best interests and must be assured of candid communication with their physicians so they may effectively evaluate their medical care options.

TMA appreciates the opportunity to provide you our concerns regarding SB 1647 and urges you to take these comments into serious consideration. Please contact Dan Finch, vice president, advocacy, at [dan.finch@texmed.org](mailto:dan.finch@texmed.org) or (512) 762-3115 and we will be happy to provide you with any additional information or assistance you may request.