

Committee on Judiciary

CS/CS/CS/HB 889 — Health Care Representatives

by Judiciary Committee; Health Quality Subcommittee; Civil Justice Subcommittee; and Rep. Wood (CS/CS/SB 1224 by Rules Committee; Judiciary Committee; and Senator Joyner)

Current law provides several methods for a person to make health care decisions, and in some instances access health information, on behalf of another person. One such method is the designation by an adult person of another adult person to act as a health care surrogate. A health care surrogate is authorized to review confidential medical information and to make health care decisions in the place of the principal. Generally, a determination of incapacity of the principal is required before the health care surrogate may act.

Because a principal may regain capacity or vacillate in and out of capacity, a redetermination of incapacity is often necessary to authorize the health care surrogate to act. This process can hinder effective and timely assistance and is cumbersome. Further, some competent persons desire the assistance of a health care surrogate with the sometimes complex task of understanding health care treatments and procedures and with making health care decisions.

This bill amends the health care surrogate law to allow a person to designate a health care surrogate, who may act at any time, including while an adult is competent and able to make his or her own decisions. This bill also creates a means for designating a health care surrogate for the benefit of a minor when the parents, legal custodian, or legal guardian of the minor cannot be timely contacted by a health care provider or are unable to provide consent for medical treatment. Lastly, the bill creates sample forms that may be used to designate health care surrogates for adults and minors.

If approved by the Governor, these provisions take effect October 1, 2015.

Vote: Senate 39-0; House 116-0