

1 SENATE BILL 129

2 **44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 200**

3 INTRODUCED BY

4 Dede Feldman

5
6
7
8 FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

9
10 AN ACT

11 RELATING TO ANATOMICAL GIFTS; PROVIDING POWERS AND DUTIES;
12 CLARIFYING DUTIES AND PROCEDURES UNDER THE UNIFORM ANATOMICAL
13 GIFT ACT AND THE UNIFORM HEALTH-CARE DECISIONS ACT; PROVIDING
14 FOR ORGAN DONOR INFORMATION ON CERTAIN MOTOR VEHICLE RECORDS;
15 AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 Section 1. Section 24-6A-1 NMSA 1978 (being Laws 1995,
19 Chapter 116, Section 1) is amended to read:

20 "24-6A-1. DEFINITIONS.--As used in the Uniform
21 Anatomical Gift Act:

22 A. "anatomical gift" means a donation of all or
23 part of a human body to take effect upon or after death;

24 B. "decedent" means a deceased individual and
25 includes a stillborn infant or fetus;

C. "designated requester" means a person who has
completed a course offered or approved by a procurement

.130271.2

underscored material = new
~~[bracketed material] = delete~~

underscoring material = new
~~[bracketed material] = delete~~

1 organization that trains persons to approach potential donor
2 families and request anatomical gifts;

3 [E-] D. "document of gift" means a card, a
4 statement attached to or imprinted on a motor vehicle
5 driver's license, an identification card, a will or other
6 writing used to make an anatomical gift;

7 [D-] E. "donor" means an individual who makes an
8 anatomical gift of all or part of the individual's body;

9 [E-] F. "enucleator" means an individual who has
10 completed a course in eye enucleation conducted and certified
11 by an accredited school of medicine and who possesses a
12 certificate of competence issued upon completion of the
13 course;

14 [F-] G. "hospital" means a facility licensed,
15 accredited or approved as a hospital under the law of any
16 state or a facility operated as a hospital by the United
17 States government, a state or a subdivision of a state;

18 [G-] H. "part" means an organ, tissue, eye, bone,
19 artery, blood, fluid or other portion of a human body;

20 [H-] I. "person" means an individual, corporation,
21 business trust, estate, trust, partnership, joint venture,
22 limited liability company, association, government,
23 governmental subdivision or agency or any other legal or
24 commercial entity;

25 [F-] J. "physician" means an individual licensed
or otherwise authorized to practice medicine or osteopathic
medicine under the laws of any state;

underscored material = new
~~[bracketed material] = delete~~

1 ~~[J.]~~ K. "procurement organization" means a person
2 licensed, accredited or approved under the laws of any state
3 for procurement, distribution or storage of human bodies or
4 parts. The term includes a nonprofit agency ~~[which]~~ that is
5 organized to procure eye tissue for the purpose of
6 transplantation or research and ~~[which]~~ that meets the
7 medical standards set by the eye bank association of America;

8 ~~[K.]~~ L. "state" means a state, territory or
9 possession of the United States, the District of Columbia or
10 the commonwealth of Puerto Rico; ~~[and~~

11 ~~H.]~~ M. "technician" means an individual who, under
12 the supervision of a physician, removes or processes a part;
13 and

14 N. "vascular organ" means the heart, lungs,
15 kidneys, liver, pancreas or other organ that requires the
16 continuous circulation of blood to remain useful for
17 transplantation purposes and does not include human tissue,
18 bones or corneas."

19 Section 2. Section 24-6A-2 NMSA 1978 (being Laws 1995,
20 Chapter 116, Section 2) is amended to read:

21 "24-6A-2. MAKING, AMENDING, REVOKING AND REFUSING TO
22 MAKE ANATOMICAL GIFTS--BY INDIVIDUAL.--

23 A. An individual who is at least sixteen years of
24 age may:

25 (1) make an anatomical gift for any of the
purposes stated in Section ~~[6 of the Uniform Anatomical Gift~~
~~Act (1987)]~~ 24-6A-6 NMSA 1978;

underscored material = new
~~[bracketed material] = delete~~

- 1 (2) limit an anatomical gift to one or more
- 2 of those purposes; ~~[or]~~
- 3 (3) refuse to make an anatomical gift; or
- 4 (4) revoke an anatomical gift.

5 B. An anatomical gift may be made only by a
6 document of gift signed by the donor or by complying with the
7 provisions of Section 66-5-10 NMSA 1978. If the donor cannot
8 sign, the document of gift ~~[must]~~ shall be signed by another
9 individual and by two witnesses, all of whom have signed at
10 the direction and in the presence of the donor and of each
11 other, and state that it has been so signed. Revocation,
12 suspension, expiration or cancellation of the license or
13 identification card does not invalidate the anatomical gift.

14 C. A document of gift may designate a particular
15 physician to carry out the appropriate procedures. In the
16 absence of a designation or if the designee is not available,
17 the donee or other person authorized to accept the anatomical
18 gift may employ or authorize any physician, technician or
19 enucleator to carry out the appropriate procedures.

20 D. An anatomical gift by will takes effect upon
21 death of the testator, whether or not the will is probated.
22 If, after death, the will is declared invalid for
23 testamentary purposes, the validity of the anatomical gift is
24 unaffected.

25 E. A donor may amend or revoke an anatomical gift,
not made by will, only by:

- (1) a signed statement;

underscored material = new
~~[bracketed material] = delete~~

1 (2) an oral statement made in the presence
2 of two individuals;

3 (3) any form of communication during a
4 terminal illness or injury addressed to a physician; or

5 (4) the delivery of a signed statement to a
6 specified donee to whom a document of gift had been
7 delivered.

8 F. The donor of an anatomical gift made by will
9 may amend or revoke the gift in the manner provided for
10 amendment or revocation of wills or as provided in Subsection
11 E of this section.

12 G. An anatomical gift that is not revoked by the
13 donor before death is irrevocable and does not require the
14 consent or concurrence of any person after the donor's death.

15 H. An individual may refuse to make an anatomical
16 gift of the individual's body or part by:

17 (1) a writing signed in the same manner as
18 a document of gift;

19 (2) complying with the provisions of
20 Section 66-5-10 or 66-5-401 NMSA 1978; or

21 (3) any other writing used to identify the
22 individual as refusing to make an anatomical gift. During a
23 terminal illness or injury, the refusal may be an oral
24 statement or other form of communication.

25 I. In the absence of contrary indications by the
donor, an anatomical gift of a part is neither a refusal to
give other parts nor a limitation on an anatomical gift under

underscored material = new
~~[bracketed material] = delete~~

1 Section [~~3 of the Uniform Anatomical Gift Act (1987)] 24-6A-3
2 NMSA 1978 or on a removal or release of other parts under
3 Section [~~4 of that act~~] 24-6A-4 NMSA 1978.~~

4 J. In the absence of contrary indications by the
5 donor, a revocation or amendment of an anatomical gift is not
6 a refusal to make another anatomical gift. If the donor
7 intends a revocation to be a refusal to make an anatomical
8 gift, the donor shall make the refusal pursuant to Subsection
9 H of this section."

10 Section 3. Section 24-6A-3 NMSA 1978 (being Laws 1995,
11 Chapter 116, Section 3) is amended to read:

12 "24-6A-3. MAKING, REVOKING AND OBJECTING TO ANATOMICAL
13 GIFTS--BY OTHERS.--

14 A. Any member of the following classes of persons,
15 in the order of priority listed, may make an anatomical gift
16 of all or a part of the decedent's body for an authorized
17 purpose, unless the decedent, at the time of death, has made
18 an unrevoked refusal to make that anatomical gift:

19 (1) a guardian of the person of the decedent
20 at the time of death, if expressly authorized by the court to
21 make health care decisions for the decedent;

22 (2) an agent under a durable power of
23 attorney [~~which~~] that expressly authorizes the agent to make
24 health care decisions on behalf of the decedent;

25 (3) the spouse of the decedent unless
legally separated or unless there is a pending petition for
annulment, divorce, dissolution of marriage or separation;

underscored material = new
~~[bracketed material] = delete~~

1 (4) an adult son or daughter of the decedent
2 if only one is present or a majority of adult children
3 present;

4 (5) either parent of the decedent;

5 (6) an adult brother or sister of the
6 decedent if only one is present or a majority of adult
7 siblings present;

8 (7) a grandparent of the decedent; or

9 (8) an adult who has exhibited special care
10 and concern for the decedent and who is familiar with the
11 decedent's values.

12 B. An anatomical gift may not be made by a person
13 listed in Subsection A of this section if:

14 (1) a person in a prior class is available
15 at the time of death to make an anatomical gift;

16 (2) the person proposing to make an
17 anatomical gift knows of a refusal or contrary indications by
18 the decedent; or

19 (3) the person proposing to make an
20 anatomical gift knows of an objection to making an anatomical
21 gift by a member of the person's class or a prior class.

22 C. An anatomical gift by a person authorized under
23 Subsection A of this section ~~[must]~~ shall be made by:

24 (1) a document of gift signed by the person;
25 or

(2) the person's telegraphic, recorded
telephonic or other recorded message or other form of

underscored material = new
[bracketed material] = delete

1 communication from the person that is contemporaneously
2 reduced to writing and signed by the recipient.

3 D. An anatomical gift by a person authorized under
4 Subsection A of this section may be revoked by any member of
5 the same or a prior class if, before procedures have begun
6 for the removal of a part from the body of the decedent, the
7 physician, technician or enucleator removing the part knows
8 of the revocation.

9 E. A failure to make an anatomical gift under
10 Subsection A of this section is not an objection to the
11 making of an anatomical gift."

12 Section 4. Section 24-6A-5 NMSA 1978 (being Laws 1995,
13 Chapter 116, Section 5) is amended to read:

14 "24-6A-5. REQUIRED REQUEST--SEARCH AND NOTIFICATION--
15 CIVIL OR CRIMINAL IMMUNITY.--

16 A. If, at or near the time of death of a patient,
17 there is no medical record that the patient has made or
18 refused to make an anatomical gift, the hospital
19 administrator or a representative designated by the
20 administrator shall discuss the option to make or refuse to
21 make an anatomical gift and request the making of an
22 anatomical gift pursuant to Subsection A of Section [~~3 of the~~
23 ~~Uniform Anatomical Gift Act (1987)] 24-6A-3 NMSA 1978. The
24 request shall be made with reasonable discretion and
25 sensitivity to the circumstances of the family. A request is
not required if the gift is not suitable, based upon accepted
medical standards, for a purpose specified in Section [~~6 of~~~~

underscored material = new
~~[bracketed material] = delete~~

1 ~~the Uniform Anatomical Gift Act (1987)]~~ 24-6A-6 NMSA 1978.

2 An entry shall be made in the medical record of the patient,
3 stating the name and affiliation of the individual making the
4 request and of the name, response and relationship to the
5 patient of the person to whom the request was made. The
6 secretary of health may adopt regulations to implement this
7 subsection.

8 B. The following persons shall make a reasonable
9 search for a document of gift or other information
10 identifying the bearer as a donor or as an individual who has
11 refused to make an anatomical gift:

12 (1) a law enforcement officer, firefighter,
13 emergency medical technician, emergency medical services
14 first responder or other emergency rescuer finding an
15 individual who the searcher believes is dead or near death;
16 and

17 (2) a hospital, upon the admission of an
18 individual at or near the time of death, if there is not
19 immediately available any other source of that information.

20 C. If a document of gift or evidence of refusal to
21 make an anatomical gift is located by the search required by
22 Paragraph (1) of Subsection B of this section and the
23 individual or body to whom it relates is taken to a hospital,
24 the hospital shall be notified of the contents and the
25 document or other evidence shall be sent to the hospital.

D. If, at or near the time of death of a patient,
a hospital knows that an anatomical gift has been made

underscored material = new
[bracketed material] = delete

1 pursuant to Subsection A of Section [~~3 of the Uniform~~
2 ~~Anatomical Gift Act (1987)] 24-6A-3 NMSA 1978 or a release
3 and removal of a part has been permitted pursuant to Section
4 [~~4 of that act~~] 24-6A-4 NMSA 1978, or that a patient or an
5 individual identified as in transit to the hospital is a
6 donor, the hospital shall notify the donee if one is named
7 and known to the hospital; if not, it shall notify an
8 appropriate procurement organization. The hospital shall
9 cooperate in the implementation of the anatomical gift or
10 release and removal of a part.~~

11 E. A person who [~~fails to discharge the duties~~
12 ~~imposed by this section is not subject to criminal or civil~~
13 ~~liability but is subject to appropriate administrative~~
14 ~~sanctions] in good faith acts or attempts to act in
15 accordance with the provisions of the Uniform Anatomical Gift
16 Act or the anatomical gift laws of another state is not
17 liable for damages in a civil action or subject to
18 prosecution in a criminal proceeding for his acts."~~

19 Section 5. Section 24-6A-15 NMSA 1978 (being Laws 1995,
20 Chapter 116, Section 15) is amended to read:

21 "24-6A-15. SHORT TITLE.--~~[Sections 1 through 15 of this~~
22 ~~act]~~ Chapter 24, Article 6A NMSA 1978 may be cited as the
23 "Uniform Anatomical Gift Act [~~(1987)~~]"."

24 Section 6. A new section of the Uniform Anatomical Gift
25 Act is enacted to read:

"[NEW MATERIAL] DEATH RECORD REVIEWS.--Every hospital
shall work jointly with the appropriate procurement

underscoring material = new
[bracketed material] = delete

1 organization to conduct death record reviews at least
2 annually. The procurement organization shall compile the
3 results of the death record reviews and provide a report to
4 the department of health by September 1 of each year;
5 provided that the report to the department shall not identify
6 hospitals, individual donors or recipients."

7 Section 7. A new section of the Uniform Anatomical Gift
8 Act is enacted to read:

9 "[NEW MATERIAL] IDENTIFICATION OF POTENTIAL DONORS.--

10 A. Each hospital in New Mexico, with the
11 concurrence of its medical staff, shall develop by July 1,
12 2000 a protocol for identifying potential donors. The
13 protocol shall be developed in collaboration with a
14 procurement organization. The protocol shall provide that at
15 or near the time of a patient's death and prior to the
16 removal of life support, the hospital shall contact a
17 procurement organization to determine the suitability of the
18 patient as a donor. The person designated by the hospital to
19 contact the procurement organization shall have the following
20 information available prior to making the contact:

- 21 (1) the patient's identifier number;
- 22 (2) the patient's age;
- 23 (3) the cause of death; and
- 24 (4) any past medical history available.

25 B. The procurement organization shall determine
the suitability for donation. If the procurement
organization determines that donation is not appropriate

underscored material = new
~~[bracketed material] = delete~~

1 based on established medical criteria, that determination
2 shall be noted by hospital personnel on the patient's record
3 and no further action is necessary.

4 C. If the procurement organization determines that
5 the patient is a suitable candidate for donation, the
6 procurement organization shall initiate donor proceedings by
7 making a reasonable search for a document of gift or other
8 information identifying the patient as a donor or as an
9 individual who has refused to make an anatomical gift.

10 D. The hospital must have and implement written
11 protocols that:

12 (1) incorporate an agreement with a
13 procurement organization under which the hospital must
14 notify, in a timely manner, the procurement organization or a
15 third party designated by the procurement organization of
16 patients whose deaths are imminent and prior to the removal
17 of life support from a patient who has died in the hospital;

18 (2) ensure that the retrieval, processing,
19 preservation, storage and distribution of tissues and eyes
20 does not interfere with vascular organ procurement;

21 (3) ensure that the family of each potential
22 donor is informed of its options to donate organs, tissues or
23 eyes or to decline to donate. The person designated by the
24 hospital to initiate the request to the family must be an
25 organ procurement organization employee or a designated
requester;

(4) encourage discretion and sensitivity

underscoring material = new
[bracketed material] = delete

1 with respect to the circumstances, views and beliefs of the
2 families of potential donors; and

3 (5) ensure that the hospital works
4 cooperatively with the procurement organization in educating
5 hospital staff on donation issues, reviewing death records to
6 improve identification of potential donors and maintaining
7 potential donors while necessary testing and placement of
8 anatomical gifts take place.

9 E. Every hospital in the state shall establish a
10 committee to develop and implement its organ and tissue
11 donation policy and procedure to assist its staff in
12 identifying and evaluating terminal patients who may be
13 suitable organ or tissue donors. The committee shall include
14 members of the administrative, medical and nursing staffs and
15 shall appoint a member to act as a liaison between the
16 hospital and the state procurement organization."

17 Section 8. A new section of the Uniform Anatomical Gift
18 Act is enacted to read:

19 "[NEW MATERIAL] IDENTIFICATION OF POTENTIAL DONEES.--

20 A. If an anatomical gift of a vascular organ is
21 made in New Mexico to a New Mexico procurement organization
22 for transplantation purposes and the donor does not name a
23 specific donee and the vascular organ is deemed suitable for
24 transplantation, the New Mexico procurement organization
25 shall use its best efforts to determine if there is a
suitable recipient in New Mexico.

B. The New Mexico procurement organization may in

underscored material = new
~~[bracketed material] = delete~~

1 its sole discretion enter into reciprocal agreements for the
2 sharing of vascular organs with procurement organizations in
3 other states. The terms of these reciprocal vascular organ
4 sharing arrangements may provide that a vascular organ
5 donated to a New Mexico procurement organization may be
6 transferred to a procurement organization in another state
7 for transplantation.

8 C. A New Mexico procurement organization may
9 transfer a vascular organ to a procurement organization in
10 another state or suitable recipient located in another state
11 for transplantation only if:

12 (1) a suitable donee awaiting organ
13 transplant in New Mexico cannot be found in a reasonable
14 amount of time; or

15 (2) the New Mexico procurement organization
16 has a reciprocal agreement for the sharing of vascular organs
17 with a procurement organization in another state."

18 Section 9. Section 24-7A-4 NMSA 1978 (being Laws 1995,
19 Chapter 182, Section 4, as amended) is amended to read:

20 "24-7A-4. OPTIONAL FORM.--The following form may, but
21 need not, be used to create an advance health-care directive.
22 The other sections of the Uniform Health-Care Decisions Act
23 govern the effect of this or any other writing used to create
24 an advance health-care directive. An individual may complete
25 or modify all or any part of the following form:

"OPTIONAL ADVANCE HEALTH-CARE DIRECTIVE

Explanation

underscored material = new
~~[bracketed material] = delete~~

1 You have the right to give instructions about your own
2 health care. You also have the right to name someone else to
3 make health-care decisions for you. This form lets you do
4 either or both of these things. It also lets you express
5 your wishes regarding the designation of your primary
6 physician.

7 THIS FORM IS OPTIONAL. Each paragraph and word of this
8 form is also optional. If you use this form, you may cross
9 out, complete or modify all or any part of it. You are free
10 to use a different form. If you use this form, be sure to
11 sign it and date it.

12 PART 1 of this form is a power of attorney for health
13 care. PART 1 lets you name another individual as agent to
14 make health-care decisions for you if you become incapable of
15 making your own decisions or if you want someone else to make
16 those decisions for you now even though you are still
17 capable. You may also name an alternate agent to act for you
18 if your first choice is not willing, able or reasonably
19 available to make decisions for you. Unless related to you,
20 your agent may not be an owner, operator or employee of a
21 health-care institution at which you are receiving care.

22 Unless the form you sign limits the authority of your
23 agent, your agent may make all health-care decisions for you.
24 This form has a place for you to limit the authority of your
25 agent. You need not limit the authority of your agent if you
wish to rely on your agent for all health-care decisions that
may have to be made. If you choose not to limit the

underscoring material = new
~~[bracketed material] = delete~~

1 authority of your agent, your agent will have the right to:

- 2 (a) consent or refuse consent to any care,
3 treatment, service or procedure to maintain,
4 diagnose or otherwise affect a physical or
5 mental condition;
- 6 (b) select or discharge health-care providers and
7 institutions;
- 8 (c) approve or disapprove diagnostic tests,
9 surgical procedures, programs of medication
10 and orders not to resuscitate; and
- 11 (d) direct the provision, withholding or
12 withdrawal of artificial nutrition and
13 hydration and all other forms of health care.

14 PART 2 of this form lets you give specific instructions
15 about any aspect of your health care. Choices are provided
16 for you to express your wishes regarding life-sustaining
17 treatment, including the provision of artificial nutrition
18 and hydration, as well as the provision of pain relief. In
19 addition, you may express your wishes regarding whether you
20 want to make an anatomical gift of some or all of your organs
21 and tissue. Space is also provided for you to add to the
22 choices you have made or for you to write out any additional
23 wishes.

24 PART 3 of this form lets you designate a physician to
25 have primary responsibility for your health care.

After completing this form, sign and date the form at
the end. It is recommended but not required that you request

underscored material = new
[bracketed material] = delete

1 two other individuals to sign as witnesses. Give a copy of
2 the signed and completed form to your physician, to any other
3 health-care providers you may have, to any health-care
4 institution at which you are receiving care and to any
5 health-care agents you have named. You should talk to the
6 person you have named as agent to make sure that he or she
7 understands your wishes and is willing to take the
8 responsibility.

9 You have the right to revoke this advance health-care
10 directive or replace this form at any time.

11 * * * * *

12 PART 1

13 POWER OF ATTORNEY FOR HEALTH CARE

14 (1) DESIGNATION OF AGENT: I designate the
15 following individual as my agent to make health-care
16 decisions for me:

17 _____

18 (name of individual you choose as agent)

19 _____

20 (address) (city) (state) (zip code)

21 _____

22 (home phone) (work phone)

23 If I revoke my agent's authority or if my agent is not
24 willing, able or reasonably available to make a health-care
25 decision for me, I designate as my first alternate agent:

(name of individual you choose as first alternate agent)

underscoring material = new
~~[bracketed material] = delete~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(address) (city) (state) (zip code)

(home phone) (work phone)

If I revoke the authority of my agent and first alternate agent or if neither is willing, able or reasonably available to make a health-care decision for me, I designate as my second alternate agent:

(name of individual you choose as second alternate agent)

(address) (city) (state) (zip code)

(home phone) (work phone)

(2) AGENT'S AUTHORITY: My agent is authorized to obtain and review medical records, reports and information about me and to make all health-care decisions for me, including decisions to provide, withhold or withdraw artificial nutrition, hydration and all other forms of health care to keep me alive, except as I state here:

(Add additional sheets if needed.)

(3) WHEN AGENT'S AUTHORITY BECOMES EFFECTIVE: My agent's authority becomes effective when my primary physician and one other qualified health-care professional determine that I am unable to make my own health-care decisions. If I

underscoring material = new
~~[bracketed material] = delete~~

1 initial this box [], my agent's authority to make health-
2 care decisions for me takes effect immediately.

3 (4) AGENT'S OBLIGATION: My agent shall make
4 health-care decisions for me in accordance with this power of
5 attorney for health care, any instructions I give in Part 2
6 of this form and my other wishes to the extent known to my
7 agent. To the extent my wishes are unknown, my agent shall
8 make health-care decisions for me in accordance with what my
9 agent determines to be in my best interest. In determining
10 my best interest, my agent shall consider my personal values
11 to the extent known to my agent.

12 (5) NOMINATION OF GUARDIAN: If a guardian of my
13 person needs to be appointed for me by a court, I nominate
14 the agent designated in this form. If that agent is not
15 willing, able or reasonably available to act as guardian, I
16 nominate the alternate agents whom I have named, in the order
17 designated.

18 PART 2

19 INSTRUCTIONS FOR HEALTH CARE

20 If you are satisfied to allow your agent to determine
21 what is best for you in making end-of-life decisions, you
22 need not fill out this part of the form. If you do fill out
23 this part of the form, you may cross out any wording you do
24 not want.

25 (6) END-OF-LIFE DECISIONS: If I am unable to make
or communicate decisions regarding my health care, and IF (i)
I have an incurable or irreversible condition that will

underscored material = new
~~[bracketed material] = delete~~

1 result in my death within a relatively short time, OR (ii) I
2 become unconscious and, to a reasonable degree of medical
3 certainty, I will not regain consciousness, OR (iii) the
4 likely risks and burdens of treatment would outweigh the
5 expected benefits, THEN I direct that my health-care
6 providers and others involved in my care provide, withhold or
7 withdraw treatment in accordance with the choice I have
8 initialed below in **one** of the following three boxes:

9 [] [~~(a)~~] I CHOOSE NOT To Prolong Life
10 I do not want my life to be prolonged.

11 [] [~~(b)~~] I CHOOSE To Prolong Life
12 I want my life to be prolonged as long as possible
13 within the limits of generally accepted health-care
14 standards.

15 [] [~~(c)~~] I CHOOSE To Let My Agent Decide
16 My agent under my power of attorney for [~~health~~]
17 health care may make life-sustaining treatment decisions for
18 me.

19 (7) ARTIFICIAL NUTRITION AND HYDRATION: If I have
20 chosen above NOT to prolong life, I also specify by marking
21 my initials below:

22 [] I DO NOT want artificial nutrition OR
23 [] I DO want artificial nutrition.
24 [] I DO NOT want artificial hydration unless
25 required for my comfort OR
 [] I DO want artificial hydration.

 (8) RELIEF FROM PAIN: Regardless of the choices I

underscoring material = new
~~[bracketed material] = delete~~

1 have made in this form and except as I state in the following
2 space, I direct that the best medical care possible to keep
3 me clean, comfortable and free of pain or discomfort be
4 provided at all times so that my dignity is maintained, even
5 if this care hastens my death:

6 _____
7 _____

8 (9) ANATOMICAL GIFT DESIGNATION: Upon my death I
9 specify as marked below whether I choose to make an
10 anatomical gift of all or some of my organs or tissue:

11 [] I CHOOSE to make an anatomical gift of
12 all of my organs or tissue to be determined by medical
13 suitability at the time of death, and artificial support may
14 be maintained long enough for organs to be removed

15 [] I CHOOSE to make a partial anatomical
16 gift of some of my organs and tissue as specified below, and
17 artificial support may be maintained long enough for organs
18 to be removed.

19 _____
20 _____

21 [] I REFUSE to make an anatomical gift of
22 any of my organs or tissue.

23 [] I CHOOSE to let my agent decide.

24 [+9] (10) OTHER WISHES: (If you wish to write
25 your own instructions, or if you wish to add to the
instructions you have given above, you may do so here.) I
direct that:

.130271.2

underscored material = new
~~[bracketed material] = delete~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(Add additional sheets if needed.)

PART 3

PRIMARY PHYSICIAN

~~[+10+]~~ (11) I designate the following physician as my primary physician:

(name of physician)

(address) (city) (state) (zip code)

(phone)

If the physician I have designated above is not willing, able or reasonably available to act as my primary physician, I designate the following physician as my primary physician:

(name of physician)

(address) (city) (state) (zip code)

(phone)

* * * * *

~~[+11+]~~ (12) EFFECT OF COPY: A copy of this form has the same effect as the original.

~~[+12+]~~ (13) REVOCATION: I understand that I may revoke this OPTIONAL ADVANCE HEALTH-CARE DIRECTIVE at any

underscored material = new
~~[bracketed material] = delete~~

1 Section 10. Section 24-7A-9 NMSA 1978 (being Laws 1995,
2 Chapter 182, Section 9) is amended to read:

3 "24-7A-9. IMMUNITIES.--

4 A. A health-care provider or health-care
5 institution acting in good faith and in accordance with
6 generally accepted health-care standards applicable to the
7 health-care provider or health-care institution is not
8 subject to civil or criminal liability or to discipline for
9 unprofessional conduct for:

10 (1) complying or attempting to comply with a
11 health-care decision of a person apparently having authority
12 to make a health-care decision for a patient, including a
13 decision to withhold or withdraw health care or make an
14 anatomical gift;

15 (2) declining to comply with a health-care
16 decision of a person based on a belief that the person then
17 lacked authority;

18 (3) complying or attempting to comply with
19 an advance health-care directive and assuming that the
20 directive was valid when made and has not been revoked or
21 terminated;

22 (4) declining to comply with a health-care
23 directive as permitted by Subsection E or F of Section [~~7 of~~
24 ~~the Uniform Health-Care Decisions Act~~] 24-7A-7 NMSA 1978; or

25 (5) complying or attempting to comply with
any other provision of the Uniform Health-Care Decisions Act.

 B. An individual acting as agent, guardian or

underscored material = new
~~[bracketed material] = delete~~

1 surrogate under the Uniform Health-Care Decisions Act is not
2 subject to civil or criminal liability or to discipline for
3 unprofessional conduct for health-care decisions made in good
4 faith."

5 Section 11. A new section of the Motor Vehicle Code is
6 enacted to read:

7 "[NEW MATERIAL] DWI PREVENTION AND EDUCATION PROGRAM--
8 ORGAN DONATION.--DWI prevention and education program
9 applications for instruction permits and driver's licenses
10 shall include information on organ donation and the
11 provisions of the Uniform Anatomical Gift Act."

12 - 25 -
13
14
15
16
17
18
19
20
21
22
23
24
25