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- C Requires that a surrogate make a reasonable attempt to communicate with a patient's primary caretaker and others to determine the patient's wishes when a patient is not in need of emergency care.
- C Clarifies that a health-care surrogate shall make a health care decision in accordance with the patient's wishes to the extent made know to the surrogate by the patient. If the patient's wishes are unknown, the surrogate shall first attempt to communicate with the patient, then the patient's family members if the patients life is at risk, then make the health care decision based upon the surrogate's determination of the patient's best interest. Upon request of the health care provider, the surrogate is to describe the steps taken to obtain the information.
- C Grants authority to an unemancipated minor and the minor's parent or guardian to request that a health care professional with personal knowledge of and experience with the minor be one of the two health-care professionals who makes the determination of the minor's mental and emotional capacity. SB 490 requires that one of the health care professionals who makes the determination be trained and have experience with mental illness or developmental disability if the minor lacks capacity due to mental illness or developmental disability.
- C Requires that in determining capacity and unless otherwise specified in a written advance health care directive, one of the two qualified health care professionals shall be a physician and at the request of the individual or his guardian, a health care professional with personal knowledge of and experience with the individual.
- Imposes specific duties on a guardian ad litem upon appointment.
- States that no causes of action, tort claims, lawsuits or civil actions of any kind may be brought against any provider acting in good faith and in accordance with generally accepted health-care standards as a result of acting in compliance with the Uniform Health-Care Decisions Act or acting on the recommendation of a surrogate.

FISCAL IMPLICATIONS

None

DW/njw