

HB 1133 -- DESIGNATED HEALTH CARE DECISION-MAKER ACT

SPONSOR: McGaugh

This bill establishes the Designated Health Care Decision-Maker Act. In its main provisions, the bill:

- (1) Prohibits current religious or moral objection laws from relieving a health care provider or health care facility of the duty to provide health care, care, and comfort for a patient pending transfer and prohibits the denial of life-preserving medical treatment, nutrition or hydration based on specified religious or moral objections;
- (2) Limits the determination of incapacity of a patient to a specific process and permits a health care provider or facility to rely upon the health care decisions made by a designated health care decision-maker if certain procedures are followed;
- (3) Requires a physician or other provider to make reasonable efforts to inform potential designated health care decision-makers of a determination that a patient is incapacitated as specified in the bill;
- (4) Delineates a list of priority of persons who may make health care decisions for an incapacitated patient as specified in the bill and excludes certain persons from the list if specified circumstances exist;
- (5) Permits any person interested in the welfare of an incapacitated patient to petition the probate court for an order determining the care to be provided to the patient;
- (6) Prohibits a designated health care decision-maker from withdrawing or withholding nutrition or hydration that is ingested through natural means and permits a designated health care decision-maker to withdraw or withhold artificially supplied nutrition or hydration if specified requirements are met;
- (7) Requires the patient's physician to reexamine the patient if the designated health care decision-maker, physician, or anyone in the priority list believes the patient is no longer incapacitated;
- (8) Prohibits any facility or provider who makes good faith and reasonable efforts to identify, locate, and communicate with potential designated health care decision-makers from being subject to civil or criminal liability or regulatory sanctions for such actions;

(9) Permits a provider or facility to decline to comply with a medical treatment decision of a patient or designated health care decision-maker if the provider or facility has a moral or religious objection to the decision so long as the facility or provider takes certain actions as specified in the bill;

(10) Permits a provider or facility to defend his, her, or its denial of treatment if a patient or designated health care decision-maker pleads a prima facie case to enforce the provisions enumerated in paragraph (6); and

(11) Prohibits a provider or facility from withholding or withdrawing medical treatment from a pregnant patient.