

AMENDED IN ASSEMBLY JULY 19, 2001

SENATE BILL

No. 751

Introduced by ~~Committee on Budget and Fiscal Review~~ *Senator Speier*
(Coauthor: Assembly Member Liu)

February 23, 2001

~~An act relating to health, and declaring the urgency thereof, to take effect immediately. An act to add Section 4716 to the Probate Code, relating to health facilities.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 751, as amended, ~~Committee on Budget and Fiscal Review Speier. Budget Act implementation Hospitals: surrogate decisionmakers.~~

Existing law provides for the designation by a patient of a surrogate to make certain health care decisions in accordance with the patient's individual health care instructions, or other wishes.

This bill would provide that, except under specified circumstances, within 24 hours of the arrival in the emergency department of a general acute care hospital of a patient who is unconscious or otherwise incapable of communication, the hospital shall make reasonable efforts to contact the patient's agent, surrogate, or a family member or other person the hospital reasonably believes has the authority to make health care decisions on behalf of the patient.

~~Existing law provides for the Medi-Cal program, administered by the State Department of Health Services, under which qualified low-income persons are provided with health care services.~~

~~This bill would express the intent of the Legislature to make the necessary statutory changes to implement the Budget Act of 2001 relative to the funding of the Medi-Cal program.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: $\frac{2}{3}$ majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. It is the intent of the Legislature in enacting this~~
2 *SECTION 1. Section 4716 is added to the Probate Code, to*
3 *read:*

4 *4716. (a) Notwithstanding any other provision of law, within*
5 *24 hours of the arrival in the emergency department of a general*
6 *acute care hospital of a patient who is unconscious or otherwise*
7 *incapable of communication, the hospital shall make reasonable*
8 *efforts to contact the patient’s agent, surrogate, or a family*
9 *member or other person the hospital reasonably believes has the*
10 *authority to make health care decisions on behalf of the patient. A*
11 *hospital shall be deemed to have made reasonable efforts, and to*
12 *have discharged its duty under this section, if it does both of the*
13 *following:*

14 *(1) Examines the personal effects, if any, accompanying the*
15 *patient and any medical records regarding the patient in its*
16 *possession, and reviews any verbal or written report made by*
17 *emergency medical technicians or the police, to identify the name*
18 *of any agent, surrogate, or a family member or other person the*
19 *hospital reasonably believes has the authority to make health care*
20 *decisions on behalf of the patient.*

21 *(2) Contacts or attempts to contact any agent, surrogate, or a*
22 *family member or other person the hospital reasonably believes*
23 *has the authority to make health care decisions on behalf of the*
24 *patient, as identified in paragraph (1).*

25 *(b) The hospital shall document in the patient’s medical record*
26 *all efforts made to contact any agent, surrogate, or a family*
27 *member or other person the hospital reasonably believes has the*
28 *authority to make health care decisions on behalf of the patient.*



1 (c) *Application of this section shall be suspended during any*
2 *period in which the hospital implements its disaster and mass*
3 *casualty program, or its fire and internal disaster program.*

4 ~~act to make the necessary statutory changes to implement the~~
5 ~~Budget Act of 2001 relative to the Medi-Cal program.~~

6 ~~SEC. 2. This act is an urgency statute necessary for the~~
7 ~~immediate preservation of the public peace, health, or safety~~
8 ~~within the meaning of Article IV of the Constitution and shall go~~
9 ~~into immediate effect. The facts constituting the necessity are:~~

10 ~~In order to make the necessary statutory changes to implement~~
11 ~~the Budget Act of 2001, at the earliest possible time, it is necessary~~
12 ~~that this act go into effect immediately.~~

