

SB0562/127679/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 562
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “circumstances;” insert “establishing a certain exception;”; and strike beginning with “who” in line 6 down through “decision;” in line 7 and substitute “under certain circumstances; providing that a health care provider may only be required to make a certain inquiry under certain circumstances; requiring a person who obtains certain information that would prohibit an individual from serving as a health care agent or making health care decisions for a certain individual to provide that information to a certain health care provider or a certain health care facility;”.

AMENDMENT NO. 2

On page 2, in line 31, strike “**THE**” and substitute “**EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE**”.

On page 3, after line 4, insert:

“(III) AN INDIVIDUAL MAY SERVE AS A HEALTH CARE AGENT FOR A DECLARANT AFTER THE DATE OF THE EXECUTION OF A SEPARATION AGREEMENT OR THE FILING OF AN APPLICATION FOR DIVORCE IF THE DECLARANT:

1. IS ABLE TO MAKE A DECISION ABOUT THE INDIVIDUAL’S APPOINTMENT AS THE DECLARANT’S HEALTH CARE AGENT; OR

2. HAS OTHERWISE INDICATED AN INTENT TO HAVE THE INDIVIDUAL SERVE AS THE DECLARANT’S HEALTH CARE AGENT.”.

AMENDMENT NO. 3

(Over)

On page 3, after line 7, insert:

“(5) (I) A HEALTH CARE PROVIDER MAY ONLY BE REQUIRED TO MAKE A REASONABLE INQUIRY AT THE TIME OF ADMISSION OF A DECLARANT TO A HEALTH CARE FACILITY OR AT THE TIME A NEW HEALTH CARE AGENT IS IDENTIFIED TO DETERMINE WHETHER AN INDIVIDUAL WOULD BE PROHIBITED FROM SERVING AS A HEALTH CARE AGENT FOR THE DECLARANT UNDER PARAGRAPH (3)(II) OF THIS SUBSECTION.

(II) A PERSON WHO OBTAINS NEW INFORMATION THAT WOULD PROHIBIT AN INDIVIDUAL FROM SERVING AS A DECLARANT’S HEALTH CARE AGENT UNDER PARAGRAPH (3)(II) OF THIS SUBSECTION SHALL PROVIDE THE INFORMATION TO ANY HEALTH CARE PROVIDER OR HEALTH CARE FACILITY PROVIDING SERVICES TO THE DECLARANT.”.

On page 4, after line 27, insert:

“(6) (I) A HEALTH CARE PROVIDER MAY ONLY BE REQUIRED TO MAKE A REASONABLE INQUIRY AT THE TIME OF ADMISSION OF A PATIENT TO A HEALTH CARE FACILITY OR AT THE TIME A NEW HEALTH CARE AGENT IS IDENTIFIED TO DETERMINE WHETHER AN INDIVIDUAL WOULD BE PROHIBITED FROM MAKING HEALTH CARE DECISIONS FOR THE PATIENT UNDER PARAGRAPH (4) OF THIS SUBSECTION.

(II) A PERSON WHO OBTAINS NEW INFORMATION THAT WOULD PROHIBIT AN INDIVIDUAL FROM MAKING HEALTH CARE DECISIONS FOR A PATIENT UNDER PARAGRAPH (4) OF THIS SUBSECTION SHALL PROVIDE THE INFORMATION TO ANY HEALTH CARE PROVIDER OR HEALTH CARE FACILITY PROVIDING SERVICES TO THE PATIENT.”.