

Act No. 136 (S.62). Health; surrogate decision making; DNR/COLST

An act relating to surrogate decision making for do-not-resuscitate orders and clinician orders for life-sustaining treatment

This act allows for a surrogate to provide or withhold consent on a patient's behalf for a do-not-resuscitate order or clinician order for life-sustaining treatment in limited circumstances in which a patient without capacity has neither an agent under an advance directive nor a guardian. A patient's family member, a clergy person, or another adult who has exhibited special care and concern for the patient and is personally familiar with the patient's values may be eligible to be a surrogate. The act details the process for designating a surrogate and requires the surrogate to use substituted judgment consistent with the patient's wishes and values. The act prohibits an individual from serving as a surrogate over the patient's objection, even if the patient lacks capacity, and requires the patient's clinician to make reasonable efforts to inform the patient of any proposed treatment, or any proposal to withhold or withdraw treatment, based on the surrogate's decisions.

Effective Date: January 1, 2018