

## Senate Bill No. 751

### CHAPTER 329

An act to add Section 4716 to the Probate Code, relating to health facilities.

[Approved by Governor September 23, 2001. Filed with Secretary of State September 24, 2001.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 751, Speier. 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.

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

SECTION 1. Section 4716 is added to the Probate Code, to read:

4716. (a) Notwithstanding any other provision of law, 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. A hospital shall be deemed to have made reasonable efforts, and to have discharged its duty under this section, if it does both of the following:

(1) Examines the personal effects, if any, accompanying the patient and any medical records regarding the patient in its possession, and reviews any verbal or written report made by emergency medical technicians or the police, to identify the name of any 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.

(2) Contacts or attempts to contact any 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, as identified in paragraph (1).

(b) The hospital shall document in the patient's medical record all efforts made to contact any 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.

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

