

(A) AS USED IN THIS SECTION "DISABLED PERSON" MEANS AN INDIVIDUAL WHO LACKS SUFFICIENT UNDERSTANDING OR CAPACITY TO MAKE OR COMMUNICATE RESPONSIBLE DECISIONS CONCERNING HIS PERSON AS TO HEALTH CARE BECAUSE OF ANY PHYSICAL OR MENTAL DISABILITY, SENILITY, OTHER MENTAL WEAKNESS, DISEASE, HABITUAL DRUNKENNESS, OR ADDICTION TO DRUGS.

(B) IF A LICENSED PHYSICIAN TREATING A DISABLED PERSON DETERMINES THAT THE OBTAINING OF CONSENT OR THE NOTIFICATION OF ANY OTHER PERSON WOULD RESULT IN A DELAY OF TREATMENT THAT, WITHIN A REASONABLE DEGREE OF MEDICAL CERTAINTY, WOULD AFFECT ADVERSELY THE LIFE OR HEALTH OF THE DISABLED PERSON, THE TREATING PHYSICIAN OR HEALTH CARE FACILITY NEED NOT OBTAIN CONSENT FOR THE TREATMENT, IF:

(1) THE TREATMENT TO BE RENDERED IS OF AN EMERGENCY MEDICAL NATURE ~~AND--NOT-TREATMENT-FOR-MENTAL-OR-EMOTIONAL-DISORDERS;~~

(2) AN EMERGENCY EXISTS WHERE THE DISABLED PERSON'S ~~PHYSICAL~~ CONDITION PRESENTS A SUBSTANTIAL RISK OF DEATH OR IMMEDIATE AND SERIOUS ~~PHYSICAL~~ HARM TO THE INDIVIDUAL; AND

(3) A PERSON AUTHORIZED BY LAW OR COURT ORDER TO GIVE CONSENT FOR THE DISABLED PERSON IS NOT AVAILABLE IMMEDIATELY TO CONSENT TO THE EMERGENCY MEDICAL TREATMENT.

(C) A LICENSED PHYSICIAN OR PERSON ACTING UNDER THE DIRECTION OF A LICENSED PHYSICIAN TREATING A DISABLED PERSON, UNDER THE PROVISIONS OF THIS SECTION, IS NOT CIVILLY LIABLE OR SUBJECT TO ANY PENALTY, CRIMINAL OR DISCIPLINARY, SOLELY BY REASON OF THE DISABLED PERSON'S LACK OF CAPACITY TO CONSENT.

(D) NOTHING IN THIS SECTION MAY BE CONSTRUED TO AUTHORIZE MEDICAL TREATMENT FOR A PATIENT IN CONTRAVENTION OF HIS RELIGIOUS BELIEFS IF THE PHYSICIAN HAS ACTUAL KNOWLEDGE OR NOTICE OF PATIENT'S RELIGIOUS BELIEFS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1980.

Approved May 6, 1980.

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CHAPTER 368

(House Bill 105)

AN ACT concerning

Citizens' Advisory Boards - Terms of Members

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