

(F) THE SUBSTITUTED CONSENT PROVIDED FOR BY SUBSECTION (D) OF THIS SECTION MAY NOT BE GIVEN:

(1) IF THE PROPOSED HEALTH CARE IS INTENDED PRIMARILY FOR:

(I) AN ABORTION;

(II) STERILIZATION; OR

(III) THE OBSERVATION, DIAGNOSIS, TREATMENT, OR HOSPITALIZATION FOR A MENTAL DISORDER; OR

(2) IF THE HEALTH CARE PROVIDER IS AWARE THAT THE PERSON FOR WHOM THE HEALTH CARE IS PROPOSED ~~IS--EXPRESSING HAS~~ EXPRESSED DISAGREEMENT WITH THE DECISION TO PROVIDE HEALTH CARE--;

(3) IF THE HEALTH CARE PROVIDER KNOWS THAT THE INDIVIDUAL GIVING SUBSTITUTED CONSENT IS NOT ACTING IN A REASONABLE AND PRUDENT MANNER; OR

(4) IF THE HEALTH CARE PROVIDER HAS BEEN INFORMED IN WRITING THAT 1 OR MORE OF THE PERSONS LISTED IN SUBSECTION (D) (1) THROUGH (4) OF THIS SECTION IS OPPOSED TO THE PERFORMANCE OF THE TREATMENT.

[(d)] (G) (1) A [physician or an individual under the direction of a physician] HEALTH CARE PROVIDER who treats a disabled individual UNDER SUBSECTION (C) OF THIS SECTION is not liable for civil damages or subject to any criminal or disciplinary penalty solely because the disabled individual did not have capacity to consent [under this section].

(2) A HEALTH CARE PROVIDER WHO ACTS ~~IN-GOOD-FAITH~~ IN A REASONABLE AND PRUDENT MANNER AND RELIES ON A SUBSTITUTED CONSENT GIVEN UNDER SUBSECTION (D) OF THIS SECTION IS NOT SUBJECT TO CIVIL OR CRIMINAL LIABILITY OR PROFESSIONAL DISCIPLINARY ACTION SOLELY BECAUSE OF THE RELIANCE ON THE SUBSTITUTED CONSENT.

(3) A PERSON OR PERSONS GIVING SUBSTITUTED CONSENT UNDER THE PROVISIONS OF SUBSECTION (D) OF THIS SECTION ARE NOT SUBJECT TO CIVIL OR CRIMINAL LIABILITY AS A RESULT OF PROVIDING THE CONSENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1984.

Approved May 29, 1984.

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