

- (1) A SPOUSE, OR, IF NOT REASONABLY AVAILABLE;
- (2) AN ADULT CHILD, OR, IF NOT REASONABLY AVAILABLE;
- (3) A PARENT, OR, IF NOT REASONABLY AVAILABLE;
- (4) AN ADULT SIBLING, OR, IF NOT REASONABLY AVAILABLE;
- (5) A GRANDPARENT, OR, IF NOT REASONABLY AVAILABLE;
- (6) AN ADULT GRANDCHILD.

(E) THE SUBSTITUTED CONSENT PROVIDED FOR BY SUBSECTION (D) OF THIS SECTION MAY BE GIVEN ONLY IF 2 PHYSICIANS LICENSED BY THIS STATE, AFTER ATTEMPTING TO CONSULT WITH THE ALLEGED DISABLED INDIVIDUAL REGARDING THE PROPOSED HEALTH CARE, CERTIFY IN WRITING THAT CLEAR AND CONVINCING EVIDENCE EXISTS THAT THE ALLEGED DISABLED INDIVIDUAL IS INCAPABLE OF MAKING A RESPONSIBLE DECISION REGARDING THE PROPOSED HEALTH CARE. ONE OF THE 2 PHYSICIANS MUST HAVE EXAMINED THE ALLEGED DISABLED PERSON WITHIN 2 HOURS OF THE FINDING OF DISABILITY. BOTH PHYSICIANS MUST ALSO GIVE AN OPINION REGARDING THE CAUSE AND NATURE OF THE DISABILITY AND THE EXTENT AND PROBABLE DURATION OF THE DISABILITY.

(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.

(G) (1) A 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