SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 302 by Senator Mills

1 AMENDMENT NO. 1

2 On page 1, line 3, after "medical treatment;" insert

3 "to provide relative to an adult friend of certain patients;"

4 AMENDMENT NO. 2

5 On page 2, between lines 8 and 9, insert

6 "**(9) Upon the inability of any adult to consent for himself and in the absence**
7 **of any person to consent in Paragraphs (1) through (8) of this Subsection**
8 **above, an adult friend of the patient. For purposes of this Subsection, "adult**
9 **friend" means an adult who has exhibited special care and concern for the**
10 **patient, who is generally familiar with the patient's health care views and**
11 **desires, and who is willing and able to become involved in the patient's**
12 **health care decisions and to act in the patient's best interest. The adult friend**
13 **shall sign and date an acknowledgment form provided by the hospital or**
14 **other health care facility in which the patient is located for placement in the**
15 **patient's records certifying that he or she meets such criteria.**"

16 AMENDMENT NO. 3

17 On page 2, line 9, change "(9)" to "~~(9)~~**(10)**"

18 AMENDMENT NO. 4

19 On page 2, line 11, change "(10)" to "~~(10)~~**(11)**"

20 AMENDMENT NO. 5

21 On page 2, line 16, change "(11)" to "~~(11)~~**(12)**"

22 AMENDMENT NO. 6

23 On page 3, line 2, change "**(9)**" to "**(10) of this Section**"

24 AMENDMENT NO. 7

25 On page 3, delete lines 9 through 13 and insert

26 "**patient. Prior to taking such action, the attending physician shall document**
27 **in the patient's chart the facts that establish what medical decisions need to**
28 **be made and why those decisions are needed without undue delay, as well as**
29 **the steps taken to obtain consent from the patient or another person**
30 **authorized by law to give consent and then obtain confirmation from another**
31 **physician, preferably the patient's primary care physician if he is not the**
32 **attending physician, of the patient's condition and the medical necessity for**
33 **such action as is appropriate and consistent with the patient's condition and**
34 **which cannot be omitted without adversely affecting the patient's condition**
35 **or the quality of medical care rendered. The confirming physician shall**
36 **personally examine the patient and document his assessment, findings and**
37 **recommendations in the patient's chart prior to the proposed surgical or**
38 **medical treatment or procedures being performed. This Subsection shall**
39 **not**"

1   AMENDMENT NO. 8

2   On page 3, between lines 14 and 15, insert

3   "**D. (1) When no contact people are included in the individual's**
4   **records, in order to justify a finding that none of the authorized persons**
5   **listed under Subsection (A)(1) through (9) of this Section are reasonably**
6   **available, the patient's attending physician shall document the following in**
7   **the patient's record:**

8   **(a) That he or a representative of the attending physician or facility**
9   **has inquired of, or has made a documented good faith effort to inquire of, the**
10   **following entities regarding the existence of any advance directive made by**
11   **the patient and the availability of information that would enable the**
12   **physician to contact any person listed under Subsection (A)(2) through (9) of**
13   **this Section:**

14   **(i) The Louisiana Secretary of State's Living Will Registry.**

15   **(ii) The patient's primary care physician or any known provider of**
16   **medical treatment or services received by the patient in the previous one**
17   **hundred and eighty days.**

18   **(iii) Any known facility in which the patient has resided in the last**
19   **one hundred and eighty days.**

20   **(b) That no advance directive or other information that would enable**
21   **the physician to contact an authorized individual to consent is available.**

22   **(2) When names of potentially authorized persons are listed in the**
23   **individual's records or are obtained through efforts under this Subsection, in**
24   **order to justify a finding that none of the authorized persons listed under**
25   **Subsection (A)(1) through (9) of this Section are reasonably available, the**
26   **patient's attending physician shall document in the patient's record the name**
27   **of each potentially authorized person that he or a representative of the**
28   **physician or facility attempted to contact, the manner and date of the**
29   **attempted contact, and the result of the attempted contact.**"

30   AMENDMENT NO. 9

31   On page 3, line 15, delete "**D**" and insert "**E**"

32   AMENDMENT NO. 10

33   On page 3, line 18, delete "**E**" and insert "**F**"

34   AMENDMENT NO. 11

35   On page 3, line 21, delete "**F**" and insert "**G**"

36   AMENDMENT NO. 12

37   On page 3, line 23, after "**conduct**" and before "**based**" insert **"as to the issue of consent**
38   **only,**"

39   AMENDMENT NO. 13

40   On page 3, line 26, after the word "**ensues**" delete the period and insert

41   "**except for liability for medical malpractice as to the provision or**
42   **performance of the surgical or medical treatment, not with regard to the**
43   **question of consent under R.S. 1299.39 et seq., or R.S. 40:1299.41 et. seq.**"

44   AMENDMENT NO. 14

45   On page 4, line 2, delete "**G**" and insert "**H**"

1 AMENDMENT NO. 15

2 On page 4, delete line 12 and insert

3 "**or placement of the patient as to the issue of consent only, even if death or**
4 **injury to the patient ensues, except for liability for medical malpractice as to**
5 **the provision or performance of the surgical or medical treatment, not with**
6 **regard to the question of consent under R.S. 1299.39 et seq., or R.S.**
7 **40:1299.41 et. seq.**"

8 AMENDMENT NO. 16

9 On page 4, delete line 18 and insert

10 "**Subsection C of this Section above, as to the issue of consent only, even if**
11 **death or injury to the patient ensues, except for liability for medical**
12 **malpractice as to the provision or performance of the surgical or medical**
13 **treatment, not with regard to the question of consent under R.S. 1299.39 et**
14 **seq., or R.S. 40:1299.41 et. seq.**"

This set of amendment(s) was prepared by Julie J. Baxter.