



**Colorado
Legislative
Council
Staff**

HB16-1101

FISCAL NOTE

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 16-0035
Prime Sponsor(s): Rep. Young

Date: February 1, 2016
Bill Status: House Health, Insurance, and Environment
Fiscal Analyst: Bill Zepernick (303-866-4777)

BILL TOPIC: MEDICAL DECISIONS FOR UNREPRESENTED PATIENTS

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue		
State Expenditures	Minimal workload increase.	
Appropriation Required: None.		
Future Year Impacts: Minimal ongoing workload increase.		

Summary of Legislation

The bill allows an attending physician or his or her designee to act as a patient's proxy decision-maker for health care treatment if:

- after reasonable effort, the physician cannot locate any interested person, including the patient's spouse, a parent, an adult child, a sibling, a grandchild, or any close friend of the patient, who is willing and able to act as proxy decision-maker;
- the physician has obtained an independent assessment of the patient's decision-making capacity from another health care provider; and
- the physician has consulted with, and obtained the agreement of, the medical ethics committee of the facility where the patient is receiving care.

The physician's authority to act as proxy decision-maker terminates if an interested person is appointed to act as the proxy decision-maker or a guardian is appointed for the patient. A physician or his or her designee who is acting in good faith as a proxy decision-maker is not subject to civil or criminal liability or regulatory sanction.

State Expenditures

The bill may result in a minimal workload increase for the Department of Regulatory Agencies and the Department of Public Health and Environment. To the extent the bill results in additional complaints against medical facilities or physicians regarding their actions when acting as a proxy decision-maker for a patient, workload could increase to investigate and adjudicate these complaints. However, the situation contemplated by the bill is assumed to be relatively infrequent and the limitation on physician liability will further limit the scope and number of such investigations. Based on this, no adjustment in appropriations is required at this time.

Effective Date

The bill takes effect August 10, 2016, if the General Assembly adjourns on May 11, 2016, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Counties
Human Services
Law

Higher Education
Judicial
Municipalities

Public Health and Environment
Office of Information Technology