

AMENDED IN ASSEMBLY MAY 3, 2017
AMENDED IN ASSEMBLY APRIL 25, 2017
AMENDED IN ASSEMBLY APRIL 5, 2017
AMENDED IN ASSEMBLY MARCH 13, 2017
CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 937

Introduced by Assembly Member Eggman

February 16, 2017

An act to amend Sections 4685 and 4781.4 of the Probate Code, relating to health care decisions.

LEGISLATIVE COUNSEL'S DIGEST

AB 937, as amended, Eggman. Health care decisions: order of priority.

The Health Care Decisions Law, among other things, provides for an individual's use of a request regarding resuscitative measures, which is a written document, signed by an individual with capacity or a legally recognized health care decisionmaker for the individual, and the individual's physician, that directs a health care provider regarding resuscitative measures for the individual. The law excludes a health care provider who honors a request regarding resuscitative measures from criminal prosecution, civil liability, discipline for unprofessional conduct, administrative sanction, or any other sanction, as a result of his or her reliance on the request, if specific conditions are met. The law provides, if the orders in an individual's request regarding resuscitative measures directly conflict with his or her individual health

care instruction, as defined, that to the extent of the conflict, the most recent order or instruction is effective.

This bill would provide ~~that that~~, to the extent of that conflict, the most recent ~~of either the instruction by the individual, or the order of order signed by the individual or instruction made by the individual~~ is effective. The bill would deem a request regarding resuscitative measures ~~executed signed~~ by specified persons ~~as being an order of on behalf of the individual to be signed by the individual~~. The bill would also make technical conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4685 of the Probate Code is amended to
2 read:

3 4685. Except as provided in subdivision (d) of Section 4711,
4 unless the power of attorney for health care provides otherwise,
5 the agent designated in the power of attorney who is known to the
6 health care provider to be reasonably available and willing to make
7 health care decisions has priority over any other person in making
8 health care decisions for the principal.

9 SEC. 2. Section 4781.4 of the Probate Code is amended to
10 read:

11 4781.4. (a) If the orders in an individual’s request regarding
12 resuscitative measures directly conflict with ~~his or her the~~
13 *individual’s* known individual health care instruction, as defined
14 in Section 4623, then, to the extent of the conflict, the most recent
15 order ~~of signed by~~ the individual or instruction *made* by the
16 individual under Section 4623 is effective.

17 (b) For purposes of this section, a request regarding resuscitative
18 measures ~~executed signed~~ by any of the following *on behalf of an*
19 *individual, and which meets all other requirements of Section*
20 *4780, shall be deemed an order of to be signed by the individual:*

- 21 (1) The individual.
- 22 (2) The surrogate designated pursuant to Section 4711.
- 23 (3) The agent designated pursuant to Section 4671.
- 24 (4) The conservator of the individual pursuant to Section 2354
25 or 2355.

- 1 (c) This section does not create a new duty or expand any
- 2 existing duty to locate an individual's health care instruction.

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