

House Bill 1157

By: Representative Beasley-Teague of the 65th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 31-32-8 of the Official Code of Georgia Annotated, relating to
2 duties and responsibilities of health care providers relative to advance directives for health
3 care, so as to provide that a health care provider shall provide each person identifying himself
4 or herself as a health care agent with a certain notice; to provide for such notice summarizing
5 such agent's responsibilities; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 SECTION 1.

8 Code Section 31-32-8 of the Official Code of Georgia Annotated, relating to duties and
9 responsibilities of health care providers relative to advance directives for health care, is
10 amended by deleting "and" at the end of paragraph (3), by replacing the period with "; and"
11 at the end of paragraph (4), and by adding a new paragraph to read as follows:

12 "(5) Each health care provider shall present the following notice to each person
13 identifying himself or herself as a health care agent for a person under the care of such
14 provider:

15 HEALTH CARE AGENT RESPONSIBILITIES

16 You have been named in a health care directive as a health care agent. The following
17 is a summary of the responsibilities the person has delegated to you:

18 (A) My health care agent will make health care decisions for me when I am unable to
19 communicate my health care decisions or I choose to have my health care agent
20 communicate my health care decisions.

21 (B) My health care agent will have the same authority to make any health care decision
22 that I could make. My health care agent's authority includes, for example, the power
23 to:

24 (i) Admit me to or discharge me from any hospital, skilled nursing facility, hospice,
25 or other health care facility or service;

26 (ii) Request, consent to, withhold, or withdraw any type of health care; and
27 (iii) Contract for any health care facility or service for me and to obligate me to pay
28 for these services. My health care agent will not be financially liable for any services
29 or care contracted for me or on my behalf.

30 (C) My health care agent will be my personal representative for all purposes of federal
31 or state law related to privacy of medical records, including the federal Health
32 Insurance Portability and Accountability Act of 1996, and will have the same access to
33 my medical records that I have and can disclose the contents of my medical records to
34 others for my ongoing health care.

35 (D) My health care agent may accompany me in an ambulance or air ambulance if the
36 ambulance personnel protocol permits a passenger, and my health care agent may visit
37 or consult with me in person while I am in a hospital, skilled nursing facility, hospice,
38 or other health care facility or service if its protocol permits visitation.

39 (E) My health care agent may present a copy of this advance directive for health care
40 in lieu of the original, and the copy will have the same meaning and effect as the
41 original.

42 (F) When making health care decisions for me, my health care agent should think
43 about what action would be consistent with past conversations we have had, my
44 treatment preferences as expressed in my advance directive, my religious and other
45 beliefs and values, and how I have handled medical and other important issues in the
46 past. If what I would decide is still unclear, then my health care agent should make
47 decisions for me that my health care agent believes are in my best interest, considering
48 the benefits, burdens, and risks of my current circumstances and treatment options.”

49 **SECTION 2.**

50 All laws and parts of laws in conflict with this Act are repealed.