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#### BILL SUMMARY

An attending physician may designate another willing physician to make health care treatment decisions as a patient's proxy decision-maker if:

- After making reasonable efforts, the physician cannot locate any interested persons, or none of the interested persons are willing and able to serve as proxy decision-maker;
- The attending physician has obtained an independent assessment of the patient's lack of decisional capacity by another health care provider;
- The physician has consulted with and obtained a consensus on the proxy designation with the medical ethics committee of the health care facility where the patient is receiving care; and
- The identity of the physician designated as proxy decision-maker is documented in the medical record.

The authority of the proxy decision-maker terminates in the event that an interested person is willing to serve as proxy decision-maker, a guardian is appointed, the patient regains decisional capacity, the proxy decision-maker decides to no longer serve as the patient's proxy decision-maker, or the patient is transferred or discharged from the facility, if any, where the patient is receiving care (unless the proxy decision-maker expresses his or her intention to continue to serve as proxy decision-maker).

The act establishes guidelines to which an attending physician and proxy decision-maker shall adhere for proxy decision-making.

When acting in good faith as a proxy decision-maker, a physician is not subject to civil or criminal liability or regulatory sanction.

[House bill 16-1101 TEXT](#)

[Proxy-for-unrepresented-patients-HOUSE-BILL-16-1101Download](#)