

CALIFORNIA

SB 1041 - Senator Jackie Speier/Author Co-author Assemblymember Carol Liu

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 4711-4715 is added to the Probate Code to read:

(a) Notwithstanding any other provision of law, within 24 hours of the arrival in the emergency department of a general acute care hospital of a patient who is unconscious or otherwise incapable of communication, the hospital shall make reasonable efforts to contact the patient's agent, surrogate or a family member or other person the hospital reasonably believes has authority to make healthcare decisions on behalf of the patient. A hospital shall be deemed to have made reasonable efforts if it does both of the following:

(1) Examines the personal effects, if any, accompanying the patient and any medical records regarding the patient in its possession to identify the name of any agent, surrogate or a family member or other person the hospital reasonably believes has authority to make healthcare decisions on behalf of the patient.

(2) Contacts or attempts to contact any agent, surrogate or a family member or other person the hospital reasonably believes has authority to make healthcare decisions on behalf of the patient, identified in paragraph (1).

(b) The hospital shall document in the patient's medical record all efforts made to contact any agent, surrogate or a family member or other person the hospital reasonably believes has authority to make healthcare decisions on behalf of the patient identified in Paragraph (1).

(c) This section shall be suspended in the event of a disaster. "Disaster" means a disaster for which a state of emergency is proclaimed by the Governor pursuant to Section 8625 of the Government Code or for which an emergency or major disaster is declared by the President of the United States.

(d) Notwithstanding any other provision of law, a person or entity that fails to discharge the duties imposed by this section is subject to appropriate administrative sanctions.