

# HOUSE BILL No. 1185

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-36-1-5.

**Synopsis:** Health care consent. Provides that an adult who shares an emotional, physical, and financial relationship with a patient similar to that of a spouse may consent to health care for an individual incapable of consenting if a health care representative has not been appointed.

**Effective:** July 1, 2010.

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**Sullivan**

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January 7, 2010, read first time and referred to Committee on Public Policy.

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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

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# HOUSE BILL No. 1185



A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 16-36-1-5 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) If an individual
- 3 incapable of consenting under section 4 of this chapter has not
- 4 appointed a health care representative under section 7 of this chapter
- 5 or the health care representative appointed under section 7 of this
- 6 chapter is not reasonably available or declines to act, consent to health
- 7 care may be given:
- 8 (1) by a judicially appointed guardian of the person or a
- 9 representative appointed under section 8 of this chapter; or
- 10 (2) **in descending order of priority**, by a spouse, **an adult who**
- 11 **shares an emotional, physical, and financial relationship with**
- 12 **the patient similar to that of a spouse**, a parent, an adult child,
- 13 or an adult sibling, unless disqualified under section 9 of this
- 14 chapter, if:
- 15 (A) there is no guardian or other representative described in
- 16 subdivision (1);
- 17 (B) the guardian or other representative is not reasonably



1 available or declines to act; or  
 2 (C) the existence of the guardian or other representative is  
 3 unknown to the health care provider; or  
 4 (3) by the individual's religious superior, if the individual is a  
 5 member of a religious order and:  
 6 (A) there is no guardian or other representative described in  
 7 subdivision (1);  
 8 (B) the guardian or other representative is not reasonably  
 9 available or declines to act; or  
 10 (C) the existence of the guardian or other representative is  
 11 unknown to the health care provider.  
 12 (b) Consent to health care for a minor not authorized to consent  
 13 under section 3 of this chapter may be given by any of the following:  
 14 (1) A judicially appointed guardian of the person or a  
 15 representative appointed under section 8 of this chapter.  
 16 (2) A parent or an individual in loco parentis if:  
 17 (A) there is no guardian or other representative described in  
 18 subdivision (1);  
 19 (B) the guardian or other representative is not reasonably  
 20 available or declines to act; or  
 21 (C) the existence of the guardian or other representative is  
 22 unknown to the health care provider.  
 23 (3) An adult sibling of the minor if:  
 24 (A) there is no guardian or other representative described in  
 25 subdivision (1);  
 26 (B) a parent or an individual in loco parentis is not reasonably  
 27 available or declines to act; or  
 28 (C) the existence of the parent or individual in loco parentis is  
 29 unknown to the health care provider.  
 30 (c) An individual delegated authority to consent under section 6 of  
 31 this chapter has the same authority and responsibility as the individual  
 32 delegating the authority.  
 33 (d) An individual authorized to consent for another under this  
 34 section shall act in good faith and in the best interest of the individual  
 35 incapable of consenting.

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