

HOUSE BILL No. 4358

March 2, 1999, Introduced by Reps. Law, Woronchak, Richner and Green and referred to the Committee on Senior Health, Security and Retirement.

A bill to amend 1998 PA 386, entitled
"Estates and protected individuals code,"
by amending section 5509 (MCL 700.5509).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5509. (1) An individual designated as a patient advo-
2 cate has the following authority, rights, responsibilities, and
3 limitations:

4 (a) A patient advocate shall act in accordance with the
5 standards of care applicable to fiduciaries in exercising his or
6 her powers.

7 (b) A patient advocate shall take reasonable steps to follow
8 the desires, instructions, or guidelines given by the patient
9 while the patient was able to participate in care, custody, or
10 medical treatment decisions, whether given orally or as written
11 in the designation.

1 (c) A patient advocate shall not exercise powers concerning
2 the patient's care, custody, and medical treatment that the
3 patient, if the patient were able to participate in the decision,
4 could not have exercised on his or her own behalf.

5 (d) This designation cannot be used to make a medical treat-
6 ment decision to withhold or withdraw treatment from a patient
7 who is pregnant that would result in the pregnant patient's
8 death.

9 (e) A patient advocate may make a decision to withhold or
10 withdraw treatment that would allow a patient to die only if the
11 patient has expressed in a clear and convincing manner that the
12 patient advocate is authorized to make such a decision, and that
13 the patient acknowledges that such a decision could or would
14 allow the patient's death.

15 (F) UNLESS CLEARLY CONTRADICTORY TO THE PATIENT'S DESIRES, A
16 PATIENT ADVOCATE MAY CHOOSE TO HAVE THE PATIENT PLACED UNDER HOS-
17 PICE CARE.

18 (G) ~~-(f)-~~ A patient advocate under this section shall not
19 delegate his or her powers to another individual without prior
20 authorization by the patient.

21 (2) A patient advocate designation is suspended when the
22 patient regains the ability to participate in medical treatment
23 decisions. The suspension is effective as long as the patient is
24 able to participate in medical treatment decisions. If the
25 patient subsequently is determined under section 5508 to be
26 unable to participate in medical treatment decisions, the patient

1 advocate's authority, rights, responsibilities, and limitations

2 are again effective.

3 Enacting section 1. This amendatory act takes effect April

4 1, 2000.