

# HOUSE RESEARCH

## Bill Summary

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**Authors:** Eastlund and Ellison

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**Analyst:** Jeffrey P. Diebel, 651-296-5041

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### Overview

This bill authorizes the Department of Corrections' medical director to make health care decisions for offenders who are incapacitated and have not legally authorized another individual to make these determinations for them.

#### Section

#### **1 Inmate Health Care Decisions; Medical Director, Department of Corrections; Agent.**

**Subd. 1. Definitions.** Defines the following terms:

"Decision making capacity" means the ability to understand the significant benefits, risks, and alternatives to proposed health care and to make and communicate a health care decision.

"Health care agent" or "agent" means the Department of Corrections medical director who is a licensed physician employed by the commissioner of corrections to provide services to inmates.

"Health care power of attorney" means an instrument appointing one or more health care agents to make health care decisions for the inmate.

"Health care" means any care, treatment, service, or procedure to maintain, diagnose,

**Section**

or otherwise affect a person's physical or mental condition.

"Health care decision" means the consent, refusal of consent, or withdrawal of consent to health care.

"Principal" means the Department of Corrections' medical director.

**Subd. 2. Health care agent; decisions.** Provides that in situations where (1) a medical doctor determines that an inmate lacks decision-making capacity for making directives regarding health care decisions, (2) an emergency contact person is not available or has not been appointed as a health care agent, and (3) next of kin has been notified but is not available, the medical director of the Department of Corrections has the authority to make health care decisions for the inmate.