



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number: LLS 22-0515
Prime Sponsors: Rep. Bradfield

Date: February 14, 2022
Bill Status: House HHS
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Bill Topic: **TEMPORARY PROXY MEDICAL DECISION-MAKERS**

Summary of Fiscal Impact:

- | | |
|---|--|
| <input type="checkbox"/> State Revenue | <input type="checkbox"/> TABOR Refund |
| <input checked="" type="checkbox"/> State Expenditure | <input checked="" type="checkbox"/> Local Government |
| <input type="checkbox"/> State Transfer | <input type="checkbox"/> Statutory Public Entity |

The bill allows physicians and healthcare facilities to assign temporary proxy decision-makers for patients who are unable to provide consent about receiving or refusing medical treatment. The bill increases state and local expenditures in FY 2022-23, and decreases state expenditures on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

Current law allows a proxy decision-maker to be assigned for medical treatment decisions of an individual who lacks capacity to provide informed consent about receiving or refusing medical treatment. If interested individuals are unable to come to a consensus about who should make medical treatment decisions on behalf of the patient, they may seek guardianship through the courts.

This bill allows attending physicians or healthcare facilities to assign a temporary decision-maker for medical decisions when interested individuals are unable to come to a timely consensus, or if the physician or healthcare facility is unable to identify a person who can make medical decisions on behalf of the patient. The bill clarifies the order of precedence and factors to be considered when selecting a temporary proxy decision-maker, as well as the conditions that terminate the authority of a temporary proxy decision-maker.

State Expenditures

The bill minimally increases workload for the Department of Human Services in FY 2022-23, and minimally decreases workload for the Judicial Department on an ongoing basis.

Department of Human Services. The department will have a workload increase to develop and deliver training about the new requirements to county adult protective services programs, and to update related data systems that track legal authority relationships. These costs can be absorbed within existing appropriations.

Judicial Department. The bill may reduce workload in trial courts because of reductions in the number of cases filed for guardianship in instances where interested individuals are unable to come to consensus about a proxy decision-maker. This potential reduction does not require a change in appropriations.

Local Government

In FY 2022-23, counties will update policies and procedures to reflect changes to adult protective services programs.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State and Local Government Contacts

Counties	Health Care Policy and Financing
Higher Education	Human Services
Information Technology	Judicial
Law	Municipalities
Public Health and Environment	