

Existing law authorizes an individual to make an advanced healthcare directive pursuant to which life-sustaining procedures may be withheld or withdrawn in the event the individual is comatose, incompetent, or otherwise physically or mentally incapable of communication, and the individual is diagnosed and certified as having a terminal and irreversible condition.

Existing law authorizes, when a comatose or incompetent person or a person who is physically or mentally incapable of communication has been certified as a qualified patient and has not previously made a declaration, any of the following individuals in the following order of priority, if there is no individual in a prior class who is reasonably available, willing, and competent to act, to make a declaration on the qualified patient's behalf:

- (1) The judicially appointed tutor or curator of the patient if one has been appointed.
- (2) Any person or persons previously designated by an adult patient by written instrument signed by the patient in the presence of at least two witnesses, to have the authority to make a declaration for the patient in the event of the patient's inability to do so. If the instrument so authorizes more than one person, it may include the order in which the persons designated shall have authority to make the declaration.
- (3) The patient's spouse not judicially separated.
- (4) An adult child of the patient.
- (5) The parents of the patient.
- (6) The patient's sibling.
- (7) The patient's other ascendants or descendants.

Existing law requires ambiguities in the provisions of law regarding declarations concerning life-sustaining procedures be interpreted to preserve human life.

New law further requires interpretations be made to preserve the life of an unborn child if the qualified patient is pregnant and an obstetrician who examines the woman determines that the probable postfertilization age of the unborn child is twenty or more weeks and the pregnant woman's life can reasonably be maintained in such a way as to permit the continuing development and live birth of the unborn child, and the determination is communicated to the relevant classes of family members and persons designated by existing law to make a declaration for a qualified patient who has not previously made a declaration.

Existing law authorizes a physician to document, in a physician's order, the wishes of an individual diagnosed and certified as having a terminal and irreversible condition regarding which life-sustaining procedures may be withheld or withdrawn in the event the individual is comatose, incompetent, or otherwise physically or mentally incapable of communication.

Existing law requires ambiguities in the provisions of law regarding physician orders for scope of treatment be interpreted to preserve human life.

New law further requires interpretations be made to preserve the life of an unborn child if the qualified patient is pregnant and an obstetrician who examines the woman determines that the probable postfertilization age of the unborn child is twenty or more weeks and the pregnant woman's life can reasonably be maintained in such a way as to permit the continuing development and live birth of the unborn child, and the determination is communicated to the relevant classes of family members and persons designated by existing law to make a declaration for a qualified patient who has not previously made a declaration.

Effective upon signature of governor (June 23, 2014).

(Amends R.S. 40:1299.58.10(E) and 1299.64.6(D))