

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 915
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Short Title: Health Care Consent/Minor.

(Public)

Sponsors: Representatives Griffin; and Bowman.

Referred to: Judiciary II.

April 13, 1993

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE A METHOD FOR PARENTS TO AUTHORIZE
3 CONSENT BY ANOTHER FOR HEALTH CARE FOR THE PARENTS' MINOR
4 CHILD.

5 The General Assembly of North Carolina enacts:

6 Section 1. Chapter 32A of the General Statutes is amended by adding the
7 following new Article to read:

8 **"ARTICLE 4.**

9 **"CONSENT TO HEALTH CARE FOR MINOR.**

10 **"§ 32A-28. Purpose.**

11 (a) The General Assembly recognizes as a matter of public policy the
12 fundamental right of a parent to delegate decisions relating to health care for the parent's
13 minor child where the parent is unavailable for a period of time by reason of travel or
14 otherwise.

15 (b) The purpose of this Article is to establish a nonexclusive method for a parent
16 to authorize in the parent's absence consent to health care for the parent's minor child.
17 This Article is not intended to be in derogation of the common law or of Article 1A of
18 Chapter 90 of the General Statutes.

19 **"§ 32A-29. Definitions.**

20 As used in this Article, unless the context clearly requires otherwise, the term:

- 21 (1) 'Agent' means the person authorized pursuant to this Article to consent
22 to and authorize health care for a minor child.

- 1 (2) 'Authorization to consent to health care for minor' means a written
2 instrument, signed by the custodial parent and acknowledged before a
3 notary public, pursuant to which the custodial parent authorizes an
4 agent to authorize and consent to health care for the minor child of the
5 custodial parent, and which substantially meets the requirements of
6 this Article.
- 7 (3) 'Custodial parent' means a parent having sole or joint legal custody of
8 that parent's minor child.
- 9 (4) 'Health care' means any care, treatment, service or procedure to
10 maintain, diagnose, treat, or provide for a minor child's physical or
11 mental or personal care and comfort, including life sustaining
12 procedures and dental care.
- 13 (5) 'Life sustaining procedures' are those forms of care or treatment which
14 only serve to artificially prolong the dying process and may include
15 mechanical ventilation, dialysis, antibiotics, artificial nutrition and
16 hydration, and other forms of treatment which sustain, restore, or
17 supplant vital bodily functions, but do not include care necessary to
18 provide comfort or to alleviate pain.
- 19 (6) 'Minor or minor child' means an individual who has not attained the
20 age of 18 years and who has not been emancipated.

21 **"§ 32A-30. Who may make an authorization to consent to health care for minor.**

22 Any custodial parent having understanding and capacity to make and communicate
23 health care decisions who is 18 years of age or older or who is emancipated may make
24 an authorization to consent to health care for the parent's minor child.

25 **"§ 32A-31. Extent and limitations of authority.**

26 (a) A custodial parent of a minor child, pursuant to an authorization to consent to
27 health care for minor, may grant an agent full power and authority to consent to and
28 authorize health care for the minor child to the same extent that a custodial parent could
29 give such consent and authorization.

30 (b) An authorization to consent to health care for minor may contain, and the
31 authority of the agent designated shall be subject to, any specific limitations or
32 restrictions as the custodial parent deems appropriate.

33 (c) A custodial parent may not, pursuant to an authorization to consent to health
34 care for minor, authorize an agent to consent to the withholding or withdrawal of life
35 sustaining procedures.

36 **"§ 32A-32. Duration of authorization; revocation.**

37 (a) An authorization to consent to health care for minor shall be automatically
38 revoked as follows:

- 39 (1) If the authorization to consent to health care for minor specifies a date
40 after which it shall not be effective, then the authorization shall be
41 automatically revoked upon such date.
- 42 (2) An authorization to consent to health care for minor shall be revoked
43 upon the minor child's attainment of the age of 18 years or upon the
44 minor child's emancipation.

1 authorize _____, an adult in whose care the minor child has been
2 entrusted, and who resides at _____, to do any acts which may be necessary or
3 proper to provide for the health care of the minor child, including, but not limited to, the
4 power (i) to provide for such health care at any hospital or other institution, or the
5 employing of any physician, dentist, nurse, or other person whose services may be
6 needed for such health care, and (ii) to consent to and authorize any health care,
7 including administration of anesthesia, X-ray examination, performance of operations,
8 and other procedures by physicians, dentists, and other medical personnel except
9 withdrawal or withholding of life sustaining procedures.

10
11 [Optional: This consent shall be effective from the date of execution to and
12 including _____, 19 ____].

13
14 By signing here, I indicate that I have the understanding and capacity to
15 communicate health care decisions and that I am fully informed as to the contents of
16 this document and understand the full import of this grant of powers to the agent named
17 herein.

18
19 (SEAL)
20 Custodial Parent

Date

21
22 STATE OF NORTH CAROLINA

23
24 COUNTY OF

25
26 On this _____ day of _____, 19 _____, personally appeared before me the
27 named _____, to me known and known to me to be the person described in and who
28 executed the foregoing instrument and he (or she) acknowledges that he (or she)
29 executed the same and being duly sworn by me, made oath that the statements in the
30 foregoing instrument are true.

31
32
33 Notary Public

34
35 My Commission Expires:

36
37 (OFFICIAL SEAL)."

38 Sec. 2. This act becomes effective January 1, 1994.