

## **SB 793 STAFF MEASURE SUMMARY**

### **Senate Committee On Judiciary**

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**Meeting Dates:** 2/28

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#### **WHAT THE MEASURE DOES:**

Allows a guardian to make medical decisions on behalf of a protected person. Creates a rebuttable presumption that a protected person consents to ordinary, necessary and preventive medical care. The presumption may be overcome by clear and convincing evidence that, if able, the protected person would withhold consent for specified treatment. Reorganizes paragraphs. Applies to health care decisions made on or after the effective date of the act.

#### **ISSUES DISCUSSED:**

##### **EFFECT OF AMENDMENT:**

No amendment.

##### **BACKGROUND:**

Guardianship is a protective proceeding created by state law in which a court gives a person or entity the duty and power to make decisions for another. The appointment of a guardian or conservator occurs after a petition is filed and a court finds that the person who is the subject of the proceedings lacks capacity to make decisions on their own behalf. This may be because of disability or because the person is a minor. There is no mechanism for creating a guardianship for a person who does not meet the standard of age or incapacity, other than for vulnerable youth. Guardianship may be limited, but frequently removes significant decision-making authority from the person and gives it to the guardian.

Senate Bill 793 would allow a guardian to make medical decisions on behalf of a protected person, and creates a rebuttable presumption that a protected person consents to ordinary, necessary and preventive medical care (that is judged as reasonably necessary by the treating health care provider).