

1 HB381  
2 198549-1  
3 By Representatives Allen, Marques, Lee, Clouse and Sorrells  
4 RFD: Health  
5 First Read: 09-APR-19

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8 SYNOPSIS: Under existing law, a person is not required  
9 to consent in order for a physician, psychiatrist,  
10 or psychologist to provide medical or mental health  
11 services to the person if the person is physically  
12 or mentally unable to consent provided two or more  
13 physicians, psychiatrists, or psychologists have  
14 indicated in writing that the services are  
15 necessary.

16 This bill would include nurse practitioners  
17 and physician assistants as health care providers  
18 covered in the law and would provide that one  
19 physician, psychiatrist, or psychologist, and a  
20 nurse practitioner or physician assistant, could  
21 indicate in writing that the services are  
22 necessary.

23 This bill would also delete certain other  
24 provisions related to unknown relatives.

25  
26 A BILL  
27 TO BE ENTITLED

1 AN ACT

2  
3 To amend Section 22-8-1, Code of Alabama 1975, to  
4 further provide for the provision of medical or mental health  
5 services to a person who is physically or mentally unable to  
6 consent under certain conditions.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Section 22-8-1 of the Code of Alabama  
9 1975, is amended to read as follows:

10 "§22-8-1.

11 "No consent shall be required ~~in order~~ for a  
12 licensed physician, psychiatrist, or psychologist, nurse  
13 practitioner, or physician assistant to ~~render~~ provide any  
14 legally authorized medical or mental health services to a  
15 person when ~~said~~ the person is either physically unable to  
16 consent or mentally unable to consent and who, but for ~~said~~  
17 the mental or physical disability, would be able to consent  
18 ~~and who has no known relatives or legal guardian~~; provided,  
19 that two or more licensed physicians, psychiatrists, or  
20 psychologists, or one licensed physician, psychiatrist, or  
21 psychologist and one or more nurse practitioners or physician  
22 assistants, after having consultation, ~~must indicate, in~~  
23 ~~writing,~~ have signed a written statement finding, in their  
24 judgment, that ~~such~~ the medical services are necessary, ~~in~~  
25 ~~their judgment, and any attempt to secure consent from any~~  
26 ~~court or to further endeavor to locate unknown relatives would~~

1 ~~result in~~ and that a delay of in treatment ~~which~~ would  
2 increase the risk to the person's life or health."

3 Section 2. This act shall become effective  
4 immediately following its passage and approval by the  
5 Governor, or its otherwise becoming law.