

AN ACT

Codification
District of
Columbia
Official Code

2001 Edition

2003 Supp.

West Group
Publisher

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend Title 21 of the District of Columbia Official Code to include domestic partners and close friends among the persons authorized to make health-care decisions for incapacitated individuals, and to provide some flexibility in the priority list of individuals who may be authorized to make such decisions.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Health-Care Decisions Act of 2003".

Sec. 2. Chapter 22 of Title 21 of the District of Columbia Official Code is amended as follows:

(a) Section 21-2202 is amended as follows:

Amend
§ 21-2202

(1) A new paragraph (1A) is added to read as follows:

“(1A) “Close friend” means any adult who has exhibited significant care and concern for the patient, and has maintained regular contact with the patient so as to be familiar with his or her activities, health, and religious and moral beliefs.”.

(2) A new paragraph (2A) is added to read as follows:

“(2A) “Domestic partner” means an adult person living with, but not married to, another adult person in a committed, intimate relationship. The term “domestic partner” shall include any adult who has registered as a domestic partner under the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701 *et seq.*), as well as any adult who has registered as a domestic partner in a substantially equivalent program administered by another jurisdiction.”.

(b) Section 21-2210 is amended as follows:

Amend
§ 21-2210

(1) Subsection (a) is amended as follows:

(A) Paragraph (2) is amended by adding the phrase “or domestic partner” after the word “spouse”.

(B) Paragraph (5A) is amended by striking the word “or” at the end.

(C) A new paragraph (5B) is added to read as follows:

“(5B) A close friend of the patient; or”.

(2) New subsections (f) and (g) are added to read as follows:

“(f) The order of priority established in subsection (a) of this section creates a presumption that may be rebutted if a person of lower priority is found to have better knowledge of the wishes of the patient, or, if the wishes of the patient are unknown and cannot be ascertained, is better able to demonstrate a good-faith belief as to the interests of the patient.

“(g)(1) An individual identified in subsection (a)(5B) of this section shall not be authorized to grant, refuse, or withdraw consent on behalf of the patient with respect to a decision regarding a health-care service, treatment, or procedure if the individual is:

“(A) A health-care provider who is treating or providing services to the incapacitated patient at the time of the health-care decision; or

“(B) An owner, operator, administrator, or employee of, or a person with decision-making authority for, a health-care provider treating or providing services to the incapacitated patient at the time of the health-care decision.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia