

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 96

Session of
2007

INTRODUCED BY YOUNGBLOOD, CRUZ, STERN, COHEN AND BLACKWELL,
JANUARY 30, 2007

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, JANUARY 30, 2007

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the
2 Pennsylvania Consolidated Statutes, providing for medical
3 consent for a minor by an adult caregiver.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 20 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 5148. Medical consent for a minor by an adult caregiver.

9 (a) Authorization of caregiver to give consent.--A parent,
10 legal guardian or legal custodian may authorize an adult person
11 in whose care a minor has been entrusted:

12 (1) to consent to any medical, surgical, dental,
13 developmental or mental health examination, diagnosis or
14 treatment, including immunization, to be rendered to the
15 minor under the supervision or upon the advice of a
16 physician, nurse, dentist or mental health professional
17 licensed to practice in this Commonwealth; and

18 (2) to obtain any and all records with regard to such

1 services;
2 provided there is no prior order of any court in any
3 jurisdiction currently in effect which would prohibit the
4 parent, legal custodian or legal guardian from exercising the
5 power that the parent, legal custodian or legal guardian seeks
6 to convey to another person. Medical, surgical and dental
7 treatment or examination includes any X-ray or anesthetic
8 required for diagnosis or treatment.

9 (b) Form of authorization.--Any written form that is signed
10 by the parent, legal guardian or legal custodian may be used to
11 convey the authority described in subsection (a). Any parent,
12 legal guardian or legal custodian signing any written conveyance
13 of authority is subject to the penalties for forgery under 18
14 Pa.C.S. § 4101 (relating to forgery). The following form may be
15 used and its inclusion in this section shall not be construed to
16 preclude the use of alternative language:

17 MEDICAL CONSENT FORM

18 (PUT A LINE THROUGH THOSE PROVISIONS THAT ARE NOT APPLICABLE)

19 () I am the parent of the child(ren) listed below and there
20 are no court orders now in effect which would
21 prohibit me from exercising the power that I now seek
22 to convey.

23 () I am the legal guardian or legal custodian of the
24 child(ren) by court order (copy attached, if
25 available) and there are no other court orders now in
26 effect which would prohibit me from exercising the
27 power that I now seek to convey.

28 I am temporarily entrusting to (Name),
29 an adult who resides at (Address),
30 the care of the following child(ren):

1 may require the revocation of authority to be in writing,
2 making revocation effective only when a specified time period
3 has elapsed after notification of intent to revoke or any
4 other terms that the parties deem appropriate.

5 (e) Release of authorization.--

6 (1) A physician, nurse, mental health professional,
7 dentist or other health care professional or a hospital or
8 medical facility who or which relies on a written instrument
9 that:

10 (i) is consistent with the requirements of
11 subsection (b); and

12 (ii) authorizes another adult to consent to medical
13 treatment of the executor's minor child or ward;
14 shall not incur civil or criminal liability for treating a
15 minor without legal consent if a reasonable and prudent
16 health care professional would have relied on the written
17 instrument under the same or similar circumstances.

18 (2) Nothing in this section shall be construed to
19 relieve any individual from liability for violations of other
20 provisions of law.

21 (f) Family reunification services.--

22 (1) This section shall not be construed as a substitute
23 for family reunification services conducted under 42 Pa.C.S.
24 Ch. 63 (relating to juvenile matters).

25 (2) The execution of a document conveying any authority
26 described in subsection (a) shall not be binding in a custody
27 or dependency proceeding.

28 (3) Regardless of the execution of a document conveying
29 any authority described in subsection (a), a custody or
30 dependency determination shall be based on the best interests

1 of the child or other applicable standard as provided by law.

2 Section 2. This act shall take effect in 60 days.