

## **IC 30-5-7**

### **Chapter 7. Duties of Health Care Providers**

#### **IC 30-5-7-1**

##### **Application of chapter**

Sec. 1. This chapter applies to a health care provider with whom an attorney in fact deals under a power of attorney.

*As added by P.L.149-1991, SEC.2.*

#### **IC 30-5-7-2**

##### **Medical records**

Sec. 2. (a) A health care provider furnished with a copy of a declaration under IC 16-36-4 or an appointment under IC 16-36-1 shall make the documents a part of the principal's medical records.

(b) If a change in or termination of a power of attorney becomes known to the health care provider, the change or termination shall be noted in the principal's medical records.

*As added by P.L.149-1991, SEC.2. Amended by P.L.2-1993, SEC.156.*

#### **IC 30-5-7-3**

##### **Patient lacking capacity to give informed consent; consultation with attorney in fact**

Sec. 3. Whenever a health care provider believes a patient may lack the capacity to give informed consent to health care the provider considers necessary, the provider shall consult with the attorney in fact who has power to act for the patient under IC 16-36-4, IC 16-36-1, or this article.

*As added by P.L.149-1991, SEC.2. Amended by P.L.2-1993, SEC.157.*

#### **IC 30-5-7-4**

##### **Compliance with decision of attorney in fact; comfort care; unwillingness to comply**

Sec. 4. (a) A health care provider shall comply with a health care decision made by an attorney in fact under a power of attorney if the decision is communicated to the provider. A health care provider may continue to administer treatment for the principal's comfort care or the alleviation of pain in addition to treatment made under the decision of the attorney in fact.

(b) If a health care provider is unwilling to comply with a health care decision made by the attorney in fact, the provider shall do the following:

(1) Notify the attorney in fact of the provider's unwillingness to comply with the decision.

(2) Promptly take all steps necessary to transfer the responsibility for the principal's health care to another health care provider designated by the attorney in fact.

*As added by P.L.149-1991, SEC.2.*

**IC 30-5-7-5**

**Access to medical records by attorney in fact; release of information**

Sec. 5. (a) A health care provider shall give an attorney in fact authorized to receive information under a power of attorney the same access as the principal has to examine and copy the principal's medical records, including records relating to mental health and other medical conditions held by a physician, psychiatrist, psychologist, therapist, hospital, nursing home, or other provider. The access to records shall be given at the principal's expense and may be subject to reasonable rules of the provider to prevent disruption of the principal's health care.

(b) An attorney in fact may release information obtained under subsection (a) to any person authorized to receive the information under IC 16-39.

*As added by P.L.149-1991, SEC.2. Amended by P.L.2-1993, SEC.158.*

**IC 30-5-7-6**

**Anatomical gifts, autopsies, or remains disposition**

Sec. 6. If a power of attorney authorizes the attorney in fact to:

- (1) make an anatomical gift on behalf of the principal;
- (2) authorize an autopsy of the principal's remains; or
- (3) direct the disposition of the principal's remains;

the anatomical gift, autopsy, or remains disposition shall be considered the act of the principal or of the person who has priority under law to make the necessary decisions. Each person to whom the attorney in fact communicates a direction shall comply with the direction.

*As added by P.L.149-1991, SEC.2.*