DOCUMENTATION OF APPOINTMENT OF PROXY DECISION MAKER BY STATUTE

If an individual does not have capacity to name a surrogate decision maker and has not designated a person to make healthcare decisions through a Medical Durable Power of Attorney or Designated Beneficiary Agreement, and does not have a Guardian, Colorado Law allows family members and close friends to select a Proxy Decision Maker through mutual agreement.

When a doctor determines a patient is unable to make medical decisions, this determination must be recorded in the patient's medical record. Then the doctor, or someone he or she designates, must make reasonable efforts to contact and gather together people with an interest in the patient's care, including but not limited to the patient's spouse, parents, adult children, siblings, grandparents, and close friends. These persons must then select by agreement one of the group to be the Proxy Decision Maker. The person chosen as Proxy should be the one who knows the patient's medical wishes the best.

The doctor must make a reasonable effort to inform the patient of who the Proxy is. The patient has the right to object to the Proxy and any decision made by the Proxy.

If the patient is re-examined later and determined to have regained decision-making capacity, the Proxy is relieved of decision-making authority.

A Proxy can make decisions about personal and medical care, according to the patient's wishes and goals, if known. If the patient's wishes are not known, the Proxy is to act in the patient's best interest. The Proxy must set aside any personal preferences or interests, as well as those of members of the group that selected the Proxy.

The Proxy has the authority to discuss the patient's condition and care with all his or her healthcare providers, to examine medical records, and consent to or refuse any medical treatment, procedure, medication, or care. The Proxy may select healthcare providers and determine where the patient should be placed for care.

The Proxy may decide to stop, or not to start, tube feeding only when two doctors (one trained in neurology or neurosurgery) agree that tube feeding would only prolong dying and is unlikely to help the patient recover.

If any of the interested persons entitled to choose the Proxy disagrees with the choice, or with the Proxy's actions, or no Proxy can be agreed upon, then any one of the group can ask a Court of law to start a process to select a Guardian instead.

Physicians may use this form to document the patient's incapacity and selection of a Proxy Decision Maker.

I, _____
(*Physician's name*) have determined by examination that

_____
(*name of patient*) lacks the mental capacity to make or express decisions regarding medical care due to a medical diagnosis of

_____

This diagnosis and determination of incapacity are documented in the patient's medical record.

The following interested persons have been contacted and have participated in the decision to designate a Proxy (substitute) Decision Maker to act in the best interest of the patient:

Name *Relationship*

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

Reasonable efforts have been made to ensure no other legal authority, including Guardian, Healthcare Agent under MDPOA, or Designated Beneficiary has been appointed, no other relevant advance medical directive is in force, and reasonable attempts to contact all interested persons have been made.

Consensus has been reached and the below named individual will act as Proxy Decision Maker. Reasonable attempts have been made to inform the patient of his/her condition and of the identify of the person selected as Proxy.

_____
Name of Proxy

_____
Signature *Date*