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Health and Welfare; power of attorney for health care decisions

University of the Pacific, McGeorge School of Law

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provides the Board of County Commissioners with authority to levy an ad valorem tax, with voter approval, upon all taxable property in the county to pay for costs of indigent care.⁴⁸

JMA

Nev. Stat. ch. 377, sec. 51, at ____). If the Board of County Commissioners determines that a hospital is serving a disproportionately large share of indigent patients, the board may pay a higher rate to the hospital for the treatment, pay the hospital for treatment which would otherwise be uncompensated, or both. 1987 Nev. Stat. ch. 377, sec. 28, at _____. If the total amount of care provided to indigent patients is less than the minimum obligation of the hospital, the hospital will be assessed for the difference and the assessment will be used to pay other hospitals in the county for treatment of indigent patients. *Id.* sec. 29, at ____.

48. 1987 Nev. Stat. ch. 377, sec. 42 at ____ (enacting NEV. REV. STAT. § 450.____).

Health and Welfare; power of attorney for health care decisions

NEV. REV. STAT. § 449.____ (new).

AB 467 (Humke); 1987 STAT. Ch 396

Under existing law, any person may execute a declaration directing that if that person becomes terminally ill, comatose or incapable of communicating with the attending physician,¹ life-sustaining procedures² are to be withheld or withdrawn.³ Chapter 396 provides that any adult person may execute a power of attorney⁴ for a disabled principal⁵ enabling the attorney to make decisions concerning health care if the principal becomes incapable of giving informed consent.⁶ The principal cannot name as an attorney in fact the provider of health care,⁷ an operator of a health care facility⁸ or any employees

1. NEV. REV. STAT. § 449.550 (definition of attending physician).

2. *Id.* § 449.570 (definition of life-sustaining procedure).

3. *Id.* § 449.600 (must execute the declaration in the same manner as a will).

4. 1987 Nev. Stat. ch. 396, sec. 2, at ____ (enacting NEV. REV. STAT. § 449.____) (definition of power of attorney).

5. *Id.* (definition of principal).

6. *Id.* sec. 3, at ____ (enacting NEV. REV. STAT. § 449.____).

7. *See id.* sec. 2, at ____ (enacting NEV. REV. STAT. § 449.____) (definition of provider of health care).

8. *Id.* (definition of health care facility).

thereof.⁹ The attorney in fact cannot consent to: (1) commitment or placement of the principal in a facility for the treatment of mental illness; (2) convulsive treatment; (3) psychosurgery; (4) sterilization; (5) abortion; or (6) any treatment to which the attorney in fact may not consent.¹⁰ In addition, the attorney in fact must make decisions concerning life sustaining treatment which conform to the known desires of the principal.¹¹ The principal may designate an alternate attorney in fact.¹² If the principal designates a spouse, however, the designation is automatically revoked upon divorce.¹³ An execution of a power of attorney automatically revokes any previous power of attorney.¹⁴ Otherwise, a power of attorney remains valid indefinitely unless designated for a shorter period¹⁵ or revoked.¹⁶ If the power of attorney expires while the principal is unable to make decisions concerning health care, the power of attorney remains valid until the principal is again able to make such decisions.¹⁷

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9. *Id.* sec. 4, at ____ (enacting NEV. REV. STAT. § 449.____) (cannot name as attorney in fact in a power of attorney).

10. *Id.* sec. 6, at ____ (enacting NEV. REV. STAT. § 449.____).

11. *Id.*

12. *Id.* sec. 7, at ____ (enacting NEV. REV. STAT. § 449.____).

13. *Id.*

14. *Id.*

15. *Id.*

16. *Id.*

17. *Id.* See also *id.* sec. 8, at ____ (enacting NEV. REV. STAT. § 449.____) (form of power of attorney).