

Colorado Statutes Annotated - 2017

West's Colorado Revised Statutes Annotated
Title 15. Probate, Trusts, and Fiduciaries
Colorado Probate Code
Article 14. Persons Under Disability--Protection ([Refs & Annos](#))
Part 5. Powers of Attorney ([Refs & Annos](#))

C.R.S.A. § 15-14-506

§ 15-14-506. Medical durable power of attorney

Effective: August 9, 2017

[Currentness](#)

(1) The authority of an agent to act on behalf of the principal in consenting to or refusing medical treatment, including artificial nourishment and hydration, may be set forth in a medical durable power of attorney. A medical durable power of attorney may include any directive, condition, or limitation of an agent's authority.

(2) The agent shall act in accordance with the terms, directives, conditions, or limitations stated in the medical durable power of attorney, and in conformance with the principal's wishes that are known to the agent. If the medical durable power of attorney contains no directives, conditions, or limitations relating to the principal's medical condition, or if the principal's wishes are not otherwise known to the agent, the agent shall act in accordance with the best interests of the principal as determined by the agent.

(3) An agent appointed in a medical durable power of attorney may provide informed consent to or refusal of medical treatment on behalf of a principal who lacks decisional capacity and shall have the same power to make medical treatment decisions the principal would have if the principal did not lack such decisional capacity. An agent appointed in a medical durable power of attorney shall be considered a designated representative of the patient and shall have the same rights of access to the principal's medical records as the principal. In making medical treatment decisions on behalf of the principal, and subject to the terms of the medical durable power of attorney, the agent shall confer with the principal's attending physician concerning the principal's medical condition.

(3.5) Any medical durable power of attorney executed under [sections 15-14-503 to 15-14-509](#) may also have a document with a written statement as provided in [section 15-19-205\(b\)](#), or a statement in substantially similar form, indicating a decision regarding organ and tissue donation. The document shall be executed in accordance with the provisions of the "Revised Uniform Anatomical Gift Act", part 2 of article 19 of this title 15. The written statement may be in the following form:

I hereby make an anatomical gift, to be effective upon my death, of:

A. ___ Any needed organs/tissues

B. ___ The following organs/tissues:

Donor signature:

(4)(a) Nothing in this section or in a medical durable power of attorney shall be construed to abrogate or limit any rights of the principal, including the right to revoke an agent's authority or the right to consent to or refuse any proposed medical treatment, and no agent may consent to or refuse medical treatment for a principal over the principal's objection.

(b) Nothing in this article shall be construed to supersede any provision of article 1 of title 25, C.R.S., or article 10.5 or article 65 of title 27, C.R.S.

(5)(a) Nothing in this part 5 shall have the effect of modifying or changing the standards of the practice of medicine or medical ethics or protocols.

(b) Nothing in this part 5 or in a medical durable power of attorney shall be construed to compel or authorize a health care provider or health care facility to administer medical treatment that is otherwise illegal, medically inappropriate, or contrary to any federal or state law.

(c) Unless otherwise expressly provided in the medical durable power of attorney under which the principal appointed the principal's spouse as the agent, a subsequent divorce, dissolution of marriage, annulment of marriage, or legal separation between the principal and spouse appointed as agent automatically revokes such appointment. However, nothing in this paragraph (c) shall be construed to revoke any remaining provisions of the medical durable power of attorney.

(d) Unless otherwise specified in the medical durable power of attorney, if a principal revokes the appointment of an agent or the agent is unable or unwilling to serve, the appointment of the agent shall be revoked. However, nothing in this paragraph (d) shall be construed to revoke any remaining provisions of the medical durable power of attorney.

(6)(a) This part 5 shall apply to any medical durable power of attorney executed on or after July 1, 1992. Nothing in this part 5 shall be construed to modify or affect the terms of any durable power of attorney executed before such date and which grants medical treatment authority. Any such previously executed durable power of attorney may be amended to conform to the provisions of this part 5. In the event of a conflict between a medical durable power of attorney executed pursuant to this part 5 and a previously executed durable power of attorney, the provisions of the medical durable power of attorney executed pursuant to this part 5 shall prevail.

(b) Unless otherwise specified in a medical durable power of attorney, nothing in this part 5 shall be construed to modify or affect the terms of a declaration executed in accordance with the "Colorado Medical Treatment Decision Act", article 18 of this title.

Credits

Added by [Laws 1992, S.B.92-3, § 2, eff. June 4, 1992](#). Amended by [Laws 1998, Ch. 282, § 5, eff. June 1, 1998](#); [Laws 2007, Ch. 207, § 3, eff. July 1, 2007](#); [Laws 2010, Ch. 188, § 20, eff. April 29, 2010](#); [Laws 2017, Ch. 158, § 6, eff. Aug. 9, 2017](#).

HISTORICAL AND STATUTORY NOTES

[Laws 1998, Ch. 282, § 5](#), inserted subsec. (3.5).

[Laws 2007, Ch. 207, § 4](#), in subsec. (3.5), substituted “12-34-105(b)” for “12-34-105(1)(c)” and “‘Revised Uniform Anatomical Gift Act’, part 1 of article 34” for “‘Uniform Anatomical Gift Act’, article 34”.

[Laws 2007, Ch. 207, § 13](#), provides:

“Effective date--applicability. This act shall take effect July 1, 2007, and shall apply to anatomical gifts, revocations, and refusals occurring on or after said date.”

[Laws 2010, Ch. 188, § 20](#), rewrote par. (4)(b), which read:

“(b) Nothing in this article shall be construed to supersede any provision of article 1 of title 25, C.R.S., article 10 of title 27, C.R.S., or article 10.5 of title 27, C.R.S.”

[Laws 2017, Ch. 158, § 6](#), in (3.5), substituted “section 15-19-205(b)” for “[section 12-34-105\(b\), C.R.S.](#)”, in the second sentence, substituted “The” for “Such a”, substituted “part 2 of article 19 of this title 15.” for “part 1 of article 34 of title 12, C.R.S.”, and in the third sentence, substituted “The” for “Such a”.

CROSS REFERENCES

Agency, proxy decision-makers, definitions applicable to medical durable power of attorney, see [§ 15-18.5-102](#).

LAW REVIEW AND JOURNAL COMMENTARIES

CPR Directives in Colorado. Kathleen A. Negri, 23 *Colo.Law.* 845 (1994).

How to Reconcile Advance Care Directives with Attempted Suicide. [Casey Frank](#), 42 *Colo.Law.* 97 (July 2013).

Rights To and Disclosure of Medical Information: HIPAA and Colorado Law. Cyndi Lyden, Louisa M. Ritsick, and K. Gabriel Heiser, 33 *Colo.Law.* 101 (Oct. 2004).

Surrogate [Decision-Making for “Friendless” Patients](#). [Casey Frank](#), 34 *Colo.Law.* 71 (April 2005).

Surrogate Medical Decision-making Under the Best Interests Standard. Michael J. Frederick, 24 *Colo.Law.* 291 (1995).

LIBRARY REFERENCES

[Health](#)  916.

Westlaw Topic No. [198H](#).

[C.J.S. Right to Die](#) §§ 2, 5, 7, 13 to 14, 18 to 25, 31 to 32, 35 to 39, 43, 48, 50 to 51.

RESEARCH REFERENCES

Encyclopedias

[102 Am. Jur. Proof of Facts 3d 95](#), Advance Directives for Medical and Psychiatric Care.

[63 Am. Jur. Trials 1](#), Decisionmaking at the End of Life.

Treatises and Practice Aids

24 Colorado Practice Series § 10:1, Medical Power of Attorney.

24 Colorado Practice Series § 10:2, Mental Health Issues.

24 Colorado Practice Series § 10:3, Best Practices.

24 Colorado Practice Series § 15:4, Anatomical Gifts Made by Donor (Regarding His or Her Own Organs).

3A Colorado Practice Series § 101:22, Guardianships for Adult Incapacitated Persons--Priorities.

3A Colorado Practice Series § 104:32, Some Devices Used in Estate Planning--The Durable Power of Attorney.

C. R. S. A. § 15-14-506, CO ST § 15-14-506

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