

# 1999 SESSION

INTRODUCED

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## HOUSE BILL NO. 1920

Offered January 18, 1999

*A BILL to amend and reenact § 37.1-134.11 of the Code of Virginia, relating to guardianship and conservatorship.*

Patron—Phillips

Referred to Committee on Corporations, Insurance and Banking

**Be it enacted by the General Assembly of Virginia:**

**1. That § 37.1-134.11 of the Code of Virginia is amended and reenacted as follows:**

§ 37.1-134.11. Evaluation report.

A. A report evaluating the condition of the respondent shall be filed with the court and provided to the guardian ad litem within a reasonable time prior to the hearing on the petition. The report shall be prepared by one or more licensed physicians or psychologists, or licensed professionals skilled in the assessment and treatment of the physical or mental conditions of the respondent as alleged in the petition. If a report is not available, the court may proceed to hold the hearing without the report for good cause shown and absent objection by the guardian ad litem, or may order a report and delay the hearing until the report is prepared, filed and provided to the guardian ad litem.

B. The report shall evaluate the condition of the respondent and shall contain, to the best information and belief of its signatory

1. A description of the nature, type and extent of the respondent's incapacity, including the respondent's specific functional impairments;

2. A diagnosis or assessment of the respondent's mental and physical condition, including a statement as to whether the individual is on any medications that may affect his actions or demeanor, and, where appropriate and consistent with the scope of the evaluator's license, an evaluation of the respondent's ability to learn self-care skills, adaptive behavior and social skills and a prognosis for improvement;

3. The date or dates of the examinations, evaluations and assessments upon which the report is based; and

4. The signature of the person conducting the evaluation and the nature of the professional license held by such person. *the evaluator's opinion as to whether the patient has the ability to care for himself or his estate.*

C. In the absence of bad faith or malicious intent, a person performing the evaluation shall be immune from civil liability for any breach of patient confidentiality made in furtherance of his duties under this section.

D. A report prepared pursuant to this section shall be admissible as evidence of the facts stated therein and the results of the examination or evaluation referred to therein unless counsel for the respondent or the guardian ad litem objects.

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