§ 80.11 Effect of determination that a person is in need of surrogate decision-making.

The determination by a panel that a patient is in need of surrogate decision-making under this article shall not be construed or deemed to be a determination that such person is impaired or incompetent pursuant to article seventy-seven or seventy-eight of this chapter, nor shall it be valid for any other purpose or any other future medical treatment, unless the determination explicitly applies to related or continuing treatment necessitated by the original treatment. Nothing in this article shall be construed to limit the availability of other lawful means to obtain substitute consent for medical treatment, without utilizing the procedures set forth in this article. No person shall be deemed to have failed to exhaust administrative remedies by commencing a legal action to obtain consent to or refusal of medical treatment in the absence of or prior to a review of the case by a surrogate decision-making committee or panel.