

By Representative Greenstein

1                                   A bill to be entitled  
 2           An act relating to emergency medical services;  
 3           amending ss. 401.35 and 401.45, F.S.; providing  
 4           for rules of the Department of Health  
 5           authorizing emergency medical technicians and  
 6           paramedics to honor information relating to a  
 7           do-not-resuscitate order encoded on a patient's  
 8           driver license or identification card; creating  
 9           s. 401.50, F.S.; directing the Agency for  
 10          Health Care Administration and the Department  
 11          of Highway Safety and Motor Vehicles to develop  
 12          and implement a program to register  
 13          do-not-resuscitate orders as part of the driver  
 14          license and identification card process;  
 15          providing for encoding information on the  
 16          driver license or identification card;  
 17          providing for funding; providing for  
 18          maintenance of an electronic registry;  
 19          providing for rules; providing a funding  
 20          restriction; providing an effective date.

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 22 Be It Enacted by the Legislature of the State of Florida:

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 24           Section 1. Subsection (4) of section 401.35, Florida  
 25 Statutes, is amended to read:

26           401.35 Rules.--The department shall adopt rules  
 27 necessary to carry out the purposes of this part.

28           (4) The rules must establish circumstances and  
 29 procedures under which emergency medical technicians and  
 30 paramedics may honor orders by the patient's physician not to  
 31 resuscitate or information relating to a do-not-resuscitate

1 order encoded on a patient's driver license or identification  
2 card,and the documentation and reporting requirements for  
3 handling such requests.

4 Section 2. Subsection (3) of section 401.45, Florida  
5 Statutes, is amended to read:

6 401.45 Denial of emergency treatment; civil  
7 liability.--

8 (3)(a) Resuscitation or life-prolonging techniques may  
9 be withheld or withdrawn from a patient by an emergency  
10 medical technician or paramedic if evidence of an order not to  
11 resuscitate by the patient's physician or a driver license or  
12 identification card issued to the patient by the Department of  
13 Highway Safety and Motor Vehicles and encoded with information  
14 relating to a do-not-resuscitate order is presented to the  
15 emergency medical technician or paramedic in a manner provided  
16 by rule of the department.

17 (b) Any licensee, physician, medical director, or  
18 emergency medical technician or paramedic who acts under the  
19 direction of a medical director is not subject to criminal  
20 prosecution or civil liability, and has not engaged in  
21 negligent or unprofessional conduct, as a result of the  
22 withholding or withdrawal of resuscitation or life-prolonging  
23 techniques from a patient pursuant to this subsection and  
24 rules adopted by the department.

25 Section 3. Section 401.50, Florida Statutes, is  
26 created to read:

27 401.50 Do-not-resuscitate orders as part of driver  
28 license or identification card process.--

29 (1) The Agency for Health Care Administration and the  
30 Department of Highway Safety and Motor Vehicles shall develop  
31 and implement a program allowing persons to register

1 do-not-resuscitate orders as a part of the process of issuing  
2 identification cards and issuing and renewing driver licenses.  
3 A registration card distributed by the Department of Highway  
4 Safety and Motor Vehicles shall include such information and  
5 documentation relating to the do-not-resuscitate order as may  
6 be deemed necessary by that department. The Department of  
7 Highway Safety and Motor Vehicles shall also develop and  
8 implement a program to identify persons registering  
9 do-not-resuscitate orders, which program shall include  
10 notations on identification cards, driver licenses, and driver  
11 records or such other methods as the department may develop.  
12 This program shall include, after an individual has completed  
13 a registration card, encoding "DNR" or "Do Not Resuscitate" on  
14 the front of the driver license or identification card to  
15 indicate the existence of information and documentation  
16 relating to a do-not-resuscitate order. The Agency for Health  
17 Care Administration shall provide the necessary supplies and  
18 forms through funds appropriated from general revenue. The  
19 Department of Highway Safety and Motor Vehicles shall provide  
20 the necessary recordkeeping system through funds appropriated  
21 from general revenue. The Department of Highway Safety and  
22 Motor Vehicles and the Agency for Health Care Administration  
23 shall incur no liability in connection with the performance of  
24 any acts authorized herein.

25 (2) The Agency for Health Care Administration and the  
26 Department of Highway Safety and Motor Vehicles shall develop  
27 and implement a do-not-resuscitate order registry which shall  
28 record, through electronic means, do-not-resuscitate order  
29 documents submitted through the driver license and  
30 identification card program. The registry shall be maintained  
31 in a manner which will allow, through electronic and

1 telephonic methods, immediate access to information relating  
2 to do-not-resuscitate order documents, 24 hours a day, 7 days  
3 a week. Emergency medical technicians, paramedics, and other  
4 parties identified by the agency by rule shall be allowed  
5 access through coded means to the information stored in the  
6 registry.

7 (3) The Department of Highway Safety and Motor  
8 Vehicles, after consultation with and concurrence by the  
9 Agency for Health Care Administration, shall adopt rules to  
10 implement the provisions of this section according to the  
11 provisions of chapter 120.

12 (4) Funds expended by the Agency for Health Care  
13 Administration to carry out the intent of this section shall  
14 not be taken from any funds appropriated for patient care.

15 Section 4. This act shall take effect October 1, 1999.

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18 HOUSE SUMMARY

19 Directs the Agency for Health Care Administration and the  
20 Department of Highway Safety and Motor Vehicles to  
21 develop and implement a program to register  
22 do-not-resuscitate orders as part of the process of  
23 issuing driver licenses and identification cards.  
24 Provides for the encoding of information relating to such  
25 orders on the license or card. Provides for maintenance  
26 of an electronic registry providing for the recording,  
27 maintenance, and retrieval of do-not-resuscitate order  
28 documents. Provides for rules. Provides for funding from  
29 general revenue, except that agency funds appropriated  
30 for patient care may not be used to fund the act.  
31 Provides for rules of the Department of Health  
authorizing emergency medical technicians and paramedics  
to honor do-not-resuscitate order information encoded on  
a patient's driver license or identification card.