

By the Committee on Elder Affairs & Long-Term Care and  
Representative Argenziano

1                                   A bill to be entitled  
2           An act relating to end-of-life care; amending  
3           s. 395.1041, F.S.; specifying conditions under  
4           which hospital personnel may withhold  
5           resuscitation; clarifying intent regarding  
6           orders not to resuscitate; amending ss.  
7           400.142, 400.4255, and 400.6095, F.S.;  
8           clarifying intent regarding orders not to  
9           resuscitate issued and acted upon by a  
10          physician and staff in a nursing home, assisted  
11          living facility, or hospice; amending s.  
12          401.45, F.S., relating to emergency treatment;  
13          requiring use of official form for a valid  
14          do-not-resuscitate order; specifying required  
15          signatures; specifying authorized substitute  
16          signatures; amending s. 455.597, F.S., relating  
17          to licensure renewal requirements for certain  
18          health care professionals; providing for  
19          substitution of continuing education programs  
20          or courses on end-of-life care and palliative  
21          health care for any authorized domestic  
22          violence continuing education program or course  
23          taken within a specified period; amending s.  
24          765.102, F.S., relating to legislative findings  
25          and intent; adding legislative intent to allow  
26          a person to plan for future incapacity orally  
27          or by executing a document; encouraging health  
28          care professionals to rapidly increase their  
29          understanding of end-of-life and palliative  
30          health care; requiring a statewide, culturally  
31          sensitive public education campaign on

1 end-of-life care; creating s. 765.1103, F.S.;  
2 requiring certain health care facilities,  
3 providers, and practitioners to provide  
4 patients with certain information and comply  
5 with patient requests for pain management and  
6 palliative care; amending s. 765.203, F.S.;  
7 revising the suggested form for designating a  
8 health care surrogate to include reference to  
9 anatomical gift declarations; amending s.  
10 765.204, F.S.; revising the procedure for  
11 determining a principal's capacity; providing  
12 cross references; amending s. 765.205, F.S.;  
13 providing responsibilities of a health care  
14 surrogate with respect to medical records of  
15 the principal; amending s. 765.303, F.S.;  
16 revising the suggested form for a living will;  
17 amending s. 765.305, F.S.; revising the  
18 prerequisite circumstances on which a health  
19 care surrogate must rely before authorizing  
20 withholding or withdrawing of medical treatment  
21 in the absence of a living will; amending s.  
22 765.306, F.S., relating to determination of  
23 patient condition; revising the factors that  
24 must be evaluated for determining whether a  
25 living will may take effect; amending s.  
26 765.401, F.S.; revising conditions for a proxy  
27 to make health care decisions on behalf of a  
28 patient; deleting requirements that the proxy  
29 act in accordance with a written declaration or  
30 that the patient have certain specified medical  
31 conditions before a proxy may consent to

1 withholding or withdrawing life-prolonging  
2 procedures; providing cross references;  
3 creating the End-of-Life Care Workgroup;  
4 providing membership and duties of the  
5 workgroup; requiring a report; providing an  
6 effective date.

7

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

9

10 Section 1. Paragraph (1) of subsection (3) of section  
11 395.1041, Florida Statutes, is amended to read:

12 395.1041 Access to emergency services and care.--

13 (3) EMERGENCY SERVICES; DISCRIMINATION; LIABILITY OF  
14 FACILITY OR HEALTH CARE PERSONNEL.--

15 (1) Hospital ~~emergency services~~ personnel may withhold  
16 or withdraw cardiopulmonary resuscitation if presented with an  
17 order not to resuscitate executed pursuant to s. 401.45.  
18 Facility staff and facilities shall not be subject to criminal  
19 prosecution or civil liability, nor be considered to have  
20 engaged in negligent or unprofessional conduct, for  
21 withholding or withdrawing cardiopulmonary resuscitation  
22 pursuant to such an order. The absence of an order not to  
23 resuscitate executed pursuant to s. 401.45 does not preclude a  
24 physician from withholding or withdrawing cardiopulmonary  
25 resuscitation as otherwise permitted by law.

26 Section 2. Subsection (3) of section 400.142, Florida  
27 Statutes, is amended to read:

28 400.142 Emergency medication kits; orders not to  
29 resuscitate.--

30 (3) Facility staff may withhold or withdraw  
31 cardiopulmonary resuscitation if presented with an order not

1 to resuscitate executed pursuant to s. 401.45. The agency  
2 shall adopt rules providing for the implementation of such  
3 orders. Facility staff and facilities shall not be subject to  
4 criminal prosecution or civil liability, nor be considered to  
5 have engaged in negligent or unprofessional conduct, for  
6 withholding or withdrawing cardiopulmonary resuscitation  
7 pursuant to such an order and rules adopted by the agency. The  
8 absence of an order not to resuscitate executed pursuant to s.  
9 401.45 does not preclude a physician from issuing an order not  
10 to resuscitate as otherwise permitted by law.

11 Section 3. Subsection (3) of section 400.4255, Florida  
12 Statutes, is amended to read:

13 400.4255 Use of personnel; emergency care.--

14 (3) Facility staff may withhold or withdraw  
15 cardiopulmonary resuscitation if presented with an order not  
16 to resuscitate executed pursuant to s. 401.45. The department  
17 shall adopt rules providing for the implementation of such  
18 orders. Facility staff and facilities shall not be subject to  
19 criminal prosecution or civil liability, nor be considered to  
20 have engaged in negligent or unprofessional conduct, for  
21 withholding or withdrawing cardiopulmonary resuscitation  
22 pursuant to such an order and rules adopted by the department.  
23 The absence of an order not to resuscitate executed pursuant  
24 to s. 401.45 does not preclude a physician from issuing an  
25 order not to resuscitate as otherwise permitted by law.

26 Section 4. Subsection (8) of section 400.6095, Florida  
27 Statutes, is amended to read:

28 400.6095 Patient admission; assessment; plan of care;  
29 discharge; death.--

30 (8) The hospice care team may withhold or withdraw  
31 cardiopulmonary resuscitation if presented with an order not

1 to resuscitate executed pursuant to s. 401.45. The department  
2 shall adopt rules providing for the implementation of such  
3 orders. Hospice staff shall not be subject to criminal  
4 prosecution or civil liability, nor be considered to have  
5 engaged in negligent or unprofessional conduct, for  
6 withholding or withdrawing cardiopulmonary resuscitation  
7 pursuant to such an order and rules adopted by the department.  
8 The absence of an order not to resuscitate executed pursuant  
9 to s. 401.45 does not preclude a physician from issuing an  
10 order not to resuscitate as otherwise permitted by law.

11 Section 5. Paragraph (a) of subsection (3) of section  
12 401.45, Florida Statutes, is amended to read:

13 401.45 Denial of emergency treatment; civil  
14 liability.--

15 (3)(a) Resuscitation may be withheld or withdrawn from  
16 a patient by an emergency medical technician or paramedic if  
17 evidence of an order not to resuscitate by the patient's  
18 physician is presented to the emergency medical technician or  
19 paramedic. An order not to resuscitate, to be valid, must be  
20 on the form adopted by rule of the department. The form must  
21 be signed by the patient's physician and by the patient or, if  
22 the patient is incapacitated, the patient's health care  
23 surrogate or proxy as provided in chapter 765, court-appointed  
24 guardian as provided in chapter 744, or attorney in fact under  
25 a durable power of attorney as provided in chapter 709. The  
26 court-appointed guardian or attorney in fact must have been  
27 delegated authority to make health care decisions on behalf of  
28 the patient.

29 Section 6. Section 455.597, Florida Statutes, is  
30 amended to read:

31

1           455.597 Requirement for instruction on domestic  
2 violence.--  
3           (1)(a) The appropriate board shall require each person  
4 licensed or certified under chapter 458, chapter 459, chapter  
5 464, chapter 466, chapter 467, chapter 490, or chapter 491 to  
6 complete a 1-hour continuing education course, approved by the  
7 board, on domestic violence, as defined in s. 741.28, as part  
8 of biennial relicensure or recertification. The course shall  
9 consist of information on the number of patients in that  
10 professional's practice who are likely to be victims of  
11 domestic violence and the number who are likely to be  
12 perpetrators of domestic violence, screening procedures for  
13 determining whether a patient has any history of being either  
14 a victim or a perpetrator of domestic violence, and  
15 instruction on how to provide such patients with information  
16 on, or how to refer such patients to, resources in the local  
17 community, such as domestic violence centers and other  
18 advocacy groups, that provide legal aid, shelter, victim  
19 counseling, batterer counseling, or child protection services.  
20           (b) Each such licensee or certificateholder shall  
21 submit confirmation of having completed such course, on a form  
22 provided by the board, when submitting fees for each biennial  
23 renewal.  
24           (c) The board may approve additional equivalent  
25 courses that may be used to satisfy the requirements of  
26 paragraph (a). Each licensing board that requires a licensee  
27 to complete an educational course pursuant to this subsection  
28 may include the hour required for completion of the course in  
29 the total hours of continuing education required by law for  
30 such profession unless the continuing education requirements  
31 for such profession consist of fewer than 30 hours biennially.

1           (d) Any person holding two or more licenses subject to  
2 the provisions of this subsection shall be permitted to show  
3 proof of having taken one board-approved course on domestic  
4 violence, for purposes of relicensure or recertification for  
5 additional licenses.

6           (e) Failure to comply with the requirements of this  
7 subsection shall constitute grounds for disciplinary action  
8 under each respective practice act and under s. 455.624(1)(k).  
9 In addition to discipline by the board, the licensee shall be  
10 required to complete such course.

11           (2) The board shall also require, as a condition of  
12 granting a license under any chapter specified in paragraph  
13 (1)(a), that each applicant for initial licensure under the  
14 appropriate chapter complete an educational course acceptable  
15 to the board on domestic violence which is substantially  
16 equivalent to the course required in subsection (1). An  
17 applicant who has not taken such course at the time of  
18 licensure shall, upon submission of an affidavit showing good  
19 cause, be allowed 6 months to complete such requirement.

20           (3) In lieu of completing a course as required in  
21 subsection (1), a licensee or certificateholder may complete a  
22 course in end-of-life care and palliative health care, if the  
23 licensee or certificateholder has completed an approved  
24 domestic violence course in the immediately preceding  
25 biennium.

26           ~~(4)(3)~~ Each board may adopt rules to carry out the  
27 provisions of this section.

28           ~~(5)(4)~~ Each board shall report to the President of the  
29 Senate, the Speaker of the House of Representatives, and the  
30 chairs of the appropriate substantive committees of the  
31

1 Legislature by March 1 of each year as to the implementation  
2 of and compliance with the requirements of this section.

3 Section 7. Section 765.102, Florida Statutes, is  
4 amended to read:

5 765.102 Legislative findings and intent.--

6 (1) The Legislature finds that every competent adult  
7 has the fundamental right of self-determination regarding  
8 decisions pertaining to his or her own health, including the  
9 right to choose or refuse medical treatment. This right is  
10 subject to certain interests of society, such as the  
11 protection of human life and the preservation of ethical  
12 standards in the medical profession.

13 (2) To ensure that such right is not lost or  
14 diminished by virtue of later physical or mental incapacity,  
15 the Legislature intends that a procedure be established to  
16 allow a person to plan for incapacity by executing a document  
17 or orally designating another person to direct the course of  
18 his or her medical treatment upon his or her incapacity. Such  
19 procedure should be less expensive and less restrictive than  
20 guardianship and permit a previously incapacitated person to  
21 exercise his or her full right to make health care decisions  
22 as soon as the capacity to make such decisions has been  
23 regained.

24 (3) The Legislature recognizes that for some the  
25 administration of life-prolonging medical procedures may  
26 result in only a precarious and burdensome existence. In order  
27 to ensure that the rights and intentions of a person may be  
28 respected even after he or she is no longer able to  
29 participate actively in decisions concerning himself or  
30 herself, and to encourage communication among such patient,  
31 his or her family, and his or her physician, the Legislature



1 declares that the laws of this state recognize the right of a  
2 competent adult to make an advance directive instructing his  
3 or her physician to provide, withhold, or withdraw  
4 life-prolonging procedures, or to designate another to make  
5 the treatment decision for him or her in the event that such  
6 person should become incapacitated and unable to personally  
7 direct his or her medical care.

8 (4) The Legislature recognizes the need for all health  
9 care professionals to rapidly increase their understanding of  
10 end-of-life and palliative health care. Therefore, the  
11 Legislature encourages the professional regulatory boards to  
12 adopt appropriate standards and guidelines regarding  
13 end-of-life care and pain management and encourages  
14 educational institutions established to train health care  
15 professionals and allied health professionals to implement  
16 curricula to train such professionals to provide end-of-life  
17 care, including pain management and palliative care.

18 (5) The Department of Elderly Affairs, the Agency for  
19 Health Care Administration, and the Department of Health shall  
20 jointly create a campaign on end-of-life care for purposes of  
21 educating the public. This campaign shall include culturally  
22 sensitive programs to improve understanding of end-of-life  
23 care issues in minority communities.

24 Section 8. Section 765.1103, Florida Statutes, is  
25 created to read:

26 765.1103 Pain management and palliative care.--

27 (1) A patient shall be given information concerning  
28 pain management and palliative care when he or she discusses  
29 with the attending or treating physician, or such physician's  
30 designee, the diagnosis, planned course of treatment,  
31 alternatives, risks, or prognosis for his or her illness. If

1 the patient is incapacitated, the information shall be given  
2 to the patient's health care surrogate or proxy as provided in  
3 chapter 765, court-appointed guardian as provided in chapter  
4 744, or attorney in fact under a durable power of attorney as  
5 provided in chapter 709. The court-appointed guardian or  
6 attorney in fact must have been delegated authority to make  
7 health care decisions on behalf of the patient.

8 (2) Health care providers and practitioners regulated  
9 under chapter 458, chapter 459, or chapter 464 must, as  
10 appropriate, comply with a request for pain management or  
11 palliative care from a patient under their care or, for an  
12 incapacitated patient under their care, from a surrogate,  
13 proxy, guardian, or other representative permitted to make  
14 health care decisions for the incapacitated patient.  
15 Facilities regulated under chapter 400 or chapter 395 must  
16 comply with the pain management or palliative care measures  
17 ordered by the patient's physician.

18 Section 9. Section 765.203, Florida Statutes, is  
19 amended to read:

20 765.203 Suggested form of designation.--A written  
21 designation of a health care surrogate executed pursuant to  
22 this chapter may, but need not be, in the following form:

23  
24 DESIGNATION OF HEALTH CARE SURROGATE

25  
26 Name:....(Last)....(First)....(Middle Initial)....

27 In the event that I have been determined to be  
28 incapacitated to provide informed consent for medical  
29 treatment and surgical and diagnostic procedures, I wish to  
30 designate as my surrogate for health care decisions:  
31

1 Name:.....  
2 Address:.....  
3 ..... Zip Code:.....  
4 Phone:.....  
5       If my surrogate is unwilling or unable to perform his  
6 or her duties, I wish to designate as my alternate surrogate:  
7 Name:.....  
8 Address:.....  
9 ..... Zip Code:.....  
10 Phone:.....  
11       I fully understand that this designation will permit my  
12 designee to make health care decisions, except for anatomical  
13 gifts, unless I have executed an anatomical gift declaration  
14 pursuant to law, and to provide, withhold, or withdraw consent  
15 on my behalf; to apply for public benefits to defray the cost  
16 of health care; and to authorize my admission to or transfer  
17 from a health care facility.  
18 Additional instructions (optional):.....  
19 .....  
20 .....  
21 .....  
22       I further affirm that this designation is not being  
23 made as a condition of treatment or admission to a health care  
24 facility. I will notify and send a copy of this document to  
25 the following persons other than my surrogate, so they may  
26 know who my surrogate is.  
27 Name:.....  
28 Name:.....  
29 .....  
30 .....  
31 Signed:.....

1 Date:.....  
2 Witnesses: 1.....  
3 2.....

4 Section 10. Subsection (2) of section 765.204, Florida  
5 Statutes, is amended to read:

6 765.204 Capacity of principal; procedure.--

7 (2) If a principal's capacity to make health care  
8 decisions for herself or himself or provide informed consent  
9 is in question, the attending physician shall evaluate the  
10 principal's capacity and, if the physician concludes that the  
11 principal lacks capacity, enter that evaluation in the  
12 principal's medical record. If the attending physician has a  
13 question as to whether the principal lacks capacity, another  
14 physician shall also evaluate the principal's capacity, ~~and,~~  
15 if the second physician agrees that the principal lacks the  
16 capacity to make health care decisions or provide informed  
17 consent, the health care facility shall enter both physicians'  
18 ~~physician's~~ evaluations in the principal's medical clinical  
19 ~~record.~~ and, If the principal has designated a health care  
20 surrogate or has delegated authority to make health care  
21 decisions to an attorney in fact under a durable power of  
22 attorney, the facility, shall notify such surrogate or  
23 attorney in fact in writing that her or his authority under  
24 the instrument has commenced, as provided in s. 765.203 or  
25 chapter 709, respectively.

26 Section 11. Section 765.205, Florida Statutes, is  
27 amended to read:

28 765.205 Responsibility of the surrogate.--

29 (1) The surrogate, in accordance with the principal's  
30 instructions, unless such authority has been expressly limited  
31 by the principal, shall:

1           (a) Have authority to act for the principal and to  
2 make all health care decisions for the principal during the  
3 principal's incapacity, ~~in accordance with the principal's~~  
4 ~~instructions, unless such authority has been expressly limited~~  
5 ~~by the principal.~~

6           (b) Consult expeditiously with appropriate health care  
7 providers to provide informed consent, and make only health  
8 care decisions for the principal which he or she believes the  
9 principal would have made under the circumstances if the  
10 principal were capable of making such decisions.

11           (c) Provide written consent using an appropriate form  
12 whenever consent is required, including a physician's order  
13 not to resuscitate.

14           (d) Be provided access to the appropriate medical  
15 ~~clinical~~ records of the principal.

16           (e) Apply for public benefits, such as Medicare and  
17 Medicaid, for the principal and have access to information  
18 regarding the principal's income and assets and banking and  
19 financial records to the extent required to make application.  
20 A health care provider or facility may not, however, make such  
21 application a condition of continued care if the principal, if  
22 capable, would have refused to apply.

23           (2) The surrogate may authorize the release of  
24 information and medical ~~clinical~~ records to appropriate  
25 persons to ensure the continuity of the principal's health  
26 care and may authorize the admission, discharge, or transfer  
27 of the principal to or from a health care facility or other  
28 facility or program licensed under chapter 400.

29           (3) If, after the appointment of a surrogate, a court  
30 appoints a guardian, the surrogate shall continue to make  
31 health care decisions for the principal, unless the court has

1 modified or revoked the authority of the surrogate pursuant to  
2 s. 744.3115. The surrogate may be directed by the court to  
3 report the principal's health care status to the guardian.

4 Section 12. Subsection (1) of section 765.303, Florida  
5 Statutes, is amended to read:

6 765.303 Suggested form of a living will.--

7 (1) A living will may, BUT NEED NOT, be in the  
8 following form:

9 Living Will

10 Declaration made this .... day of ....., ...(year)...,  
11 I, ....., willfully and voluntarily make known my desire  
12 that my dying not be artificially prolonged under the  
13 circumstances set forth below, and I do hereby declare that,  
14 if at any time I am ~~both mentally and physically~~ incapacitated  
15 and

16 ...(initial)... ~~and~~ I have a terminal condition

17 or ...(initial)... ~~and~~ I have an end-stage ~~end-state~~  
18 condition

19 or ...(initial)... ~~and~~ I am in a persistent vegetative  
20 state

21  
22 and if my attending or treating physician and another  
23 consulting physician have determined that there is no  
24 reasonable medical probability of my recovery from such  
25 condition, I direct that life-prolonging procedures be  
26 withheld or withdrawn when the application of such procedures  
27 would serve only to prolong artificially the process of dying,  
28 and that I be permitted to die naturally with only the  
29 administration of medication or the performance of any medical  
30 procedure deemed necessary to provide me with comfort care or  
31 to alleviate pain.

1           It is my intention that this declaration be honored by  
2 my family and physician as the final expression of my legal  
3 right to refuse medical or surgical treatment and to accept  
4 the consequences for such refusal.

5           In the event that I have been determined to be unable  
6 to provide express and informed consent regarding the  
7 withholding, withdrawal, or continuation of life-prolonging  
8 procedures, I wish to designate, as my surrogate to carry out  
9 the provisions of this declaration:

10

11 Name:.....  
12 Address:.....  
13 ..... Zip Code:....  
14 Phone:.....

15           I understand the full import of this declaration, and I  
16 am emotionally and mentally competent to make this  
17 declaration.

18 Additional Instructions (optional):  
19 .....  
20 .....  
21 .....

22                                   ....(Signed)....  
23                                   ....Witness....  
24                                   ....Address....  
25                                   ....Phone....  
26                                   ....Witness....  
27                                   ....Address....  
28                                   ....Phone....

29           Section 13. Subsection (2) of section 765.305, Florida  
30 Statutes, is amended to read:

31           765.305 Procedure in absence of a living will.--

1           (2) Before exercising the incompetent patient's right  
2 to forego treatment, the surrogate must be satisfied that:

3           (a) The patient does not have a reasonable medical  
4 probability of recovering capacity so that the right could be  
5 exercised by the patient; and-

6           (b) ~~The patient is both mentally and physically~~  
7 ~~incapacitated with no reasonable medical probability of~~  
8 ~~recovery,~~The patient has an end-stage condition, the patient  
9 is in a persistent vegetative state, or the patient's physical  
10 condition is terminal.

11           Section 14. Section 765.306, Florida Statutes, is  
12 amended to read:

13           765.306 Determination of patient condition.--In  
14 determining whether the patient has a terminal condition, has  
15 an end-stage condition, or is in a persistent vegetative state  
16 or may recover ~~mental and physical~~ capacity, or whether a  
17 medical condition or limitation referred to in an advance  
18 directive exists, the patient's attending or treating  
19 physician and at least one other consulting physician must  
20 separately examine the patient. The findings of each such  
21 examination must be documented in the patient's medical record  
22 and signed by each examining physician before life-prolonging  
23 procedures may be withheld or withdrawn.

24           Section 15. Subsection (3) of section 765.401, Florida  
25 Statutes, is amended to read:

26           765.401 The proxy.--

27           (3) Before exercising the incapacitated patient's  
28 rights to select or decline health care, the proxy must comply  
29 with the pertinent provisions of ss. 765.205 and 765.305  
30 ~~applicable to surrogates under this chapter~~, except that a  
31



1 proxy's decision to withhold or withdraw life-prolonging  
2 procedures ~~must either:~~  
3       ~~(a) Be supported by a written declaration; or~~  
4       ~~(b) If there is no written declaration, the patient~~  
5 ~~must have a terminal condition, have an end-stage condition,~~  
6 ~~or be in a persistent vegetative state, and the proxy's~~  
7 ~~decision~~ must be supported by clear and convincing evidence  
8 that the decision would have been the one the patient would  
9 have chosen had the patient been competent.

10       Section 16. End-of-Life Care Workgroup.--

11       (1) There is created within the Department of Elderly  
12 Affairs the End-of-Life Care Workgroup. The workgroup shall:

13       (a) Examine reimbursement methodologies for  
14 end-of-life care.

15       (b) Identify end-of-life care standards that will  
16 enable all health care providers along the health-care  
17 continuum to participate in an excellent system of delivering  
18 end-of-life care.

19       (c) Develop recommendations for incentives for  
20 appropriate end-of-life care.

21       (2) The workgroup is composed of the Secretary of  
22 Elderly Affairs or his or her designee; the Secretary of  
23 Health or his or her designee; the Director of Health Care  
24 Administration or his or her designee; a member of the Senate,  
25 appointed by the President of the Senate; a member of the  
26 House of Representatives, appointed by the Speaker of the  
27 House of Representatives; and one representative from each of  
28 the following organizations: the Florida Hospital Association,  
29 the Florida Medical Association, the Florida Osteopathic  
30 Medical Association, the Florida Nurses Association, the  
31 Florida Acupuncture Association, the Florida Pharmacy

1 Association, Florida Hospices and Palliative Care, Inc., the  
2 Florida Health Care Association, the Florida Assisted Living  
3 Association, the Florida Association of Homes for the Aging,  
4 the Florida Life Care Residents Association, the Florida  
5 Association of Insurance and Financial Advisors, and the  
6 Florida Association of Health Maintenance Organizations.

7 (3) The workgroup shall exist for 1 year and shall  
8 meet as often as necessary to carry out its duties and  
9 responsibilities. Within existing resources, the Department of  
10 Elderly Affairs shall provide support services to the  
11 workgroup. Workgroup members shall serve without compensation.

12 (4) The workgroup shall submit a report of its  
13 findings and recommendations to the Governor, the President of  
14 the Senate, and the Speaker of the House of Representatives by  
15 December 31, 2000.

16 (5) This section expires May 1, 2001.

17 Section 17. This act shall take effect upon becoming a  
18 law.

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HOUSE SUMMARY

Specifies conditions under which hospital personnel may withhold resuscitation. Clarifies intent regarding do-not-resuscitate orders in hospitals, nursing homes, assisted living facilities, and hospices. Requires use of an official form for a valid do-not-resuscitate order in emergency treatment. Provides for substitution of continuing education on end-of-life and palliative care for domestic violence continuing education, for certain health care professionals. Requires a statewide, culturally sensitive public education campaign on end-of-life care. Requires certain health care facilities, providers, and practitioners to provide patients with information about, and comply with patient requests for, pain management and palliative care. Revises the suggested form for designation of a health care surrogate to include reference to anatomical gift declarations. Revises procedure for determining a principal's capacity. Provides responsibilities of a health care surrogate regarding the principal's medical records. Revises the suggested form for a living will. Revises prerequisite circumstances for a health care surrogate to authorize withholding or withdrawing medical treatment in the absence of a living will. Revises factors that must be evaluated for determining whether a living will may take effect. Revises conditions for a proxy to make health care decisions on behalf of a patient. Removes requirements that a proxy act in accordance with a written declaration or that the patient have certain specified medical conditions before a proxy may consent to withholding or withdrawing life-prolonging procedures. Creates the End-of-Life Care Workgroup, provides membership and duties, and requires a report to the Governor and Legislature. See bill for details.