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1 A bill to be entitled

2 An act relating to physician orders for life-sustaining
3 treatment; creating s. 765.3065, F.S.; requiring the
4 Department of Health to create a physician orders for
5 life-sustaining treatment (POLST) form; providing
6 definitions; requiring the form to be completed by a
7 licensed health care professional and signed by specified
8 parties; providing guidelines for use of the form;
9 requiring periodic review of the form; providing
10 requirements for the completion of a new form; providing
11 circumstances in which a form may be revoked; authorizing
12 certain future revisions to the form; requiring a
13 completed form to be part of a principal's medical record;
14 requiring the department to place the form on the
15 department's Internet website; amending s. 765.101, F.S.;
16 including the form in the definition of the term "advance
17 directive"; providing an effective date.

18
19 WHEREAS, seriously ill patients should be able to
20 communicate their wishes regarding medical treatment as they
21 move from one care setting to another, and

22 WHEREAS, the wishes expressed by an advance directive may
23 in some cases not be honored due to the unavailability of
24 completed forms or a health care professional's inability to
25 quickly translate the language of the document into orders for
26 treatment of specific medical conditions, and

27 WHEREAS, health care professionals caring for patients in
28 various settings may in good faith initiate or withhold

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 | treatments contrary to the desires of the patient if the
 30 | patient's wishes are not readily available to the treating
 31 | health care professionals, and

32 | WHEREAS, physician orders for life-sustaining treatment
 33 | (POLST) forms are designed to help health care professionals
 34 | honor the treatment wishes of their patients and are now
 35 | available in many states, and

36 | WHEREAS, in order to document a patient's wishes for life-
 37 | sustaining treatment in the form of physicians' orders,
 38 | streamline the transfer of patient records between facilities,
 39 | clarify treatment intentions, and minimize confusion about
 40 | patient preferences, a standardized POLST form shall be
 41 | implemented in the state, NOW, THEREFORE,

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43 | Be It Enacted by the Legislature of the State of Florida:

44 |

45 | Section 1. Section 765.3065, Florida Statutes, is created
 46 | to read:

47 | 765.3065 Form for physician orders for life-sustaining
 48 | treatment.--

49 | (1) The Department of Health shall create, by rule, a
 50 | standardized, voluntary physician orders for life-sustaining
 51 | treatment (POLST) form similar to those being used in other
 52 | states. The department shall make any necessary changes to that
 53 | form to make it consistent with state law or department rules.

54 | (2) For purposes of this section:

55 | (a) "Licensed health care professional" means a physician
 56 | licensed under chapter 458, an osteopathic physician licensed

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57 under chapter 459, a nurse licensed under part I of chapter 464,
58 a physician assistant licensed under chapter 458 or chapter 459,
59 or a dentist licensed under chapter 466.

60 (b) "Physician" means a person licensed under chapter 458
61 or chapter 459.

62 (c) "Principal" means a competent adult who has completed
63 a POLST form and on whose behalf health care decisions are to be
64 made.

65 (d) "Proxy" means a competent adult who has not been
66 expressly designated to make health care decisions for a
67 particular incapacitated individual, but who, nevertheless, is
68 authorized pursuant to s. 765.401 to make health care decisions
69 for such individual.

70 (e) "Surrogate" means any competent adult expressly
71 designated by a principal to make health care decisions on
72 behalf of the principal upon the principal's incapacity.

73 (3) The POLST form shall be completed by a licensed health
74 care professional based on the principal's preferences and
75 medical indications, but the POLST form must be signed by a
76 physician to be valid. Photocopies and facsimiles of signed
77 POLST forms are legal and valid; however, the department
78 strongly encourages the use of the original form.

79 (a) Any section of the POLST form concerning the following
80 treatments that is not completed implies full treatment for that
81 section:

- 82 1. Cardiopulmonary resuscitation;
83 2. Medical interventions;
84 3. Antibiotics; or

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85 4. Artificially administered nutrition.

86
87 Oral fluids and nutrition must always be offered if medically
88 feasible.

89 (b) Intravenous fluids or medication may be administered
90 to a principal to enhance comfort if the principal has chosen
91 the category "Comfort Measures Only" on the POLST form for
92 authorized medical interventions.

93 (c) The principal, if competent, or the surrogate or proxy
94 may revoke the POLST form at any time and request alternative
95 treatment.

96 (d) A principal must sign the form if the principal has
97 the capacity and competence to sign the form in accordance with
98 chapter 765.

99 (e) A principal is not required to sign the form if he or
100 she does not have the capacity or competence to sign the form.
101 The physician shall verify the signature of the principal, or
102 the signature of the surrogate or proxy if the principal is
103 incapacitated or incompetent, before the physician affixes his
104 or her signature to validate the POLST form.

105 (f) The POLST form must be reviewed periodically. A new
106 POLST form must be completed when:

107 1. The principal is transferred from one care setting or
108 care level to another;

109 2. There is a substantial change in the health status of
110 the principal; or

111 3. The treatment preferences of the principal change.

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113 When a new POLST form is completed, the form must be signed by a
114 physician.

115 (g) If an advance directive document with a more recent
116 execution date is provided to the facility where the principal
117 is located, the advance directive document is legally
118 controlling. The facility must revoke the POLST form submitted
119 before the advance directive and offer the principal, or the
120 surrogate or proxy, the opportunity to complete and sign a new
121 POLST form.

122 (4) The Department of Health shall make any future changes
123 to the POLST form that are necessary to reflect changes in state
124 law or department rules or may otherwise modify the POLST form
125 in accordance with this section.

126 (5) If a completed POLST form expresses a principal's
127 desires concerning life-sustaining procedures and has been
128 signed by a reviewing physician, that form shall be included in
129 the medical record of the principal.

130 (6) The Department of Health shall make the POLST form
131 available on the department's Internet website.

132 Section 2. Subsection (1) of section 765.101, Florida
133 Statutes, is amended to read:

134 765.101 Definitions.--As used in this chapter:

135 (1) "Advance directive" means a witnessed written document
136 or oral statement in which instructions are given by a principal
137 or in which the principal's desires are expressed concerning any
138 aspect of the principal's health care, and includes, but is not
139 limited to, the designation of a health care surrogate, a living
140 will, a physician orders for life-sustaining treatment (POLST)

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141 | form, or an anatomical gift made pursuant to part X of chapter
142 | 732.

143 | Section 3. This act shall take effect July 1, 2006.