Florida Senate - 2006

By Senator Crist

12-1464-06 See HB 1 A bill to be entitled 2 An act relating to physician orders for life-sustaining treatment; creating s. 3 765.3065, F.S.; requiring the Department of 4 5 Health to create a physician orders for б life-sustaining treatment (POLST) form; 7 providing definitions; requiring the form to be completed by a licensed health care 8 9 professional and signed by specified parties; 10 providing guidelines for use of the form; requiring periodic review of the form; 11 12 providing requirements for the completion of a 13 new form; providing circumstances in which a form may be revoked; authorizing certain future 14 revisions to the form; requiring a completed 15 form to be part of a principal's medical 16 17 record; requiring the department to place the form on the department's Internet website; 18 amending s. 765.101, F.S.; including the form 19 in the definition of the term "advance 20 21 directive"; providing an effective date. 22 WHEREAS, seriously ill patients should be able to 23 communicate their wishes regarding medical treatment as they 2.4 move from one care setting to another, and 25 WHEREAS, the wishes expressed by an advance directive 26 27 may in some cases not be honored due to the unavailability of 2.8 completed forms or a health care professional's inability to quickly translate the language of the document into orders for 29 30 treatment of specific medical conditions, and 31

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SB 2572

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1 WHEREAS, health care professionals caring for patients 2 in various settings may in good faith initiate or withhold treatments contrary to the desires of the patient if the 3 patient's wishes are not readily available to the treating 4 5 health care professionals, and б WHEREAS, physician orders for life-sustaining treatment 7 (POLST) forms are designed to help health care professionals 8 honor the treatment wishes of their patients and are now 9 available in many states, and 10 WHEREAS, in order to document a patient's wishes for life-sustaining treatment in the form of physicians' orders, 11 12 streamline the transfer of patient records between facilities, 13 clarify treatment intentions, and minimize confusion about patient preferences, a standardized POLST form shall be 14 implemented in the state, NOW, THEREFORE, 15 16 17 Be It Enacted by the Legislature of the State of Florida: 18 Section 1. Section 765.3065, Florida Statutes, is 19 created to read: 2.0 21 765.3065 Form for physician orders for life-sustaining 22 treatment.--23 (1) The Department of Health shall create, by rule, a standardized, voluntary physician orders for life-sustaining 2.4 treatment (POLST) form similar to those being used in other 25 26 states. The department shall make any necessary changes to 27 that form to make it consistent with state law or department 28 rules. 29 (2) For purposes of this section: 30 (a) "Licensed health care professional" means a physician licensed under chapter 458, an osteopathic physician 31

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1 licensed under chapter 459, a nurse licensed under part I of 2 chapter 464, a physician assistant licensed under chapter 458 or chapter 459, or a dentist licensed under chapter 466. 3 4 (b) "Physician" means a person licensed under chapter 5 458 or chapter 459. б (c) "Principal" means a competent adult who has 7 completed a POLST form and on whose behalf health care 8 decisions are to be made. 9 (d) "Proxy" means a competent adult who has not been 10 expressly designated to make health care decisions for a particular incapacitated individual, but who, nevertheless, is 11 authorized pursuant to s. 765.401 to make health care 12 13 decisions for such individual. (e) "Surrogate" means any competent adult expressly 14 designated by a principal to make health care decisions on 15 behalf of the principal upon the principal's incapacity. 16 17 (3) The POLST form shall be completed by a licensed 18 health care professional based on the principal's preferences 19 and medical indications, but the POLST form must be signed by a physician to be valid. Photocopies and facsimiles of signed 20 21 POLST forms are legal and valid; however, the department 2.2 strongly encourages the use of the original form. 23 (a) Any section of the POLST form concerning the following treatments which is not completed implies full 2.4 treatment for that section: 25 1. Cardiopulmonary resuscitation; 26 27 2. Medical interventions; 2.8 3. Antibiotics; or 29 Artificially administered nutrition. 30 31

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1	<u>Oral fluids and nutrition must always be offered if medically</u>
2	feasible.
3	(b) Intravenous fluids or medication may be
4	administered to a principal to enhance comfort if the
5	principal has chosen the category "Comfort Measures Only" on
б	the POLST form for authorized medical interventions.
7	(c) The principal, if competent, or the surrogate or
8	proxy may revoke the POLST form at any time and request
9	alternative treatment.
10	(d) A principal must sign the form if the principal
11	has the capacity and competence to sign the form in accordance
12	with chapter 765.
13	(e) A principal is not required to sign the form if he
14	or she does not have the capacity or competence to sign the
15	form. The physician shall verify the signature of the
16	principal, or the signature of the surrogate or proxy if the
17	principal is incapacitated or incompetent, before the
18	physician affixes his or her signature to validate the POLST
19	form.
20	(f) The POLST form must be reviewed periodically. A
21	new POLST form must be completed when:
22	1. The principal is transferred from one care setting
23	or care level to another;
24	2. There is a substantial change in the health status
25	of the principal; or
26	3. The treatment preferences of the principal change.
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28	When a new POLST form is completed, the form must be signed by
29	a physician.
30	(q) If an advance directive document with a more
31	recent execution date is provided to the facility where the

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1 principal is located, the advance directive document is legally controlling. The facility must revoke the POLST form 2 submitted before the advance directive and offer the 3 4 principal, or the surrogate or proxy, the opportunity to complete and sign a new POLST form. 5 б (4) The Department of Health shall make any future 7 changes to the POLST form which are necessary to reflect 8 changes in state law or department rules or may otherwise modify the POLST form in accordance with this section. 9 10 (5) If a completed POLST form expresses a principal's desires concerning life-sustaining procedures and has been 11 signed by a reviewing physician, that form shall be included 12 13 in the medical record of the principal. (6) The Department of Health shall make the POLST form 14 available on the department's Internet website. 15 Section 2. Subsection (1) of section 765.101, Florida 16 17 Statutes, is amended to read: 765.101 Definitions.--As used in this chapter: 18 (1) "Advance directive" means a witnessed written 19 document or oral statement in which instructions are given by 20 21 a principal or in which the principal's desires are expressed 22 concerning any aspect of the principal's health care, and 23 includes, but is not limited to, the designation of a health care surrogate, a living will, a physician orders for 2.4 life-sustaining treatment (POLST) form, or an anatomical gift 25 26 made pursuant to part X of chapter 732. 27 Section 3. This act shall take effect July 1, 2006. 28 29 30 31

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