# HOUSE . . . . . . . . . . . . . . . . No. 1221

## The Commonwealth of Massachusetts

---

PRESENTED BY:

### Linda Dean Campbell

---

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

### An Act relative to do-not-resuscitate orders.

---

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|---|---|---|
| *Linda Dean Campbell* | *15th Essex* | *1/16/2015* |
| *Frances F. Gradzewicz* | *80 Lowell St. Methuen, MA 01844* | *1/16/2015* |
| *Kathleen O'Connor Ives* | *First Essex* | *9/13/2019* |

# HOUSE . . . . . . . . . . . . . . . . No. 1221

By Mrs. Campbell of Methuen, a petition (accompanied by bill, House, No. 1221) of Linda Dean Campbell, Frances F. Gradzewicz and Kathleen O'Connor Ives relative to do-not-resuscitate orders.  The Judiciary.

## The Commonwealth of Massachusetts

_____

**In the One Hundred and Eighty-Ninth General Court**
**(2015-2016)**

_____

An Act relative to do-not-resuscitate orders.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1      Chapter 112 of the General Laws is hereby amended by inserting after section 12V ½ the

2   following section:-

3      Section 12V ¾. (a) As used in this section, the following words shall, unless the context

4   clearly requires otherwise, have the following meanings:-

5      "Authorized representative", (i) an agent to whom authority to make health care decisions

6   on behalf of a person is delegated under a health care proxy; or (ii) a guardian appointed

7   pursuant to part 3 of article V of the Massachusetts Uniform Probate Code to act on behalf of a

8   person who is incapacitated; provided, however, a guardian appointed pursuant to said part 3 of

9   said article V shall not be considered an authorized representative if an agent has been granted

10   authority to make health care decisions on behalf of the incapacitated person under a valid health

11   care proxy.

12        "Cardiopulmonary resuscitation", measures used to restore or support cardiac or

13        respiratory function in the event of a cardiac or respiratory arrest, including chest compressions,

14        cardiac drugs, intubation or the placement of any breathing tube.

15        "Do-not-resuscitate order", a medical order that cardiopulmonary resuscitation should not

16        be administered to a particular patient signed by a licensed physician, nurse practitioner or

17        physician assistant verifying that a patient, an authorized person of a patient who is an

18        incapacitated person or a parent or guardian of a patient who is a minor, consented to the order.

19        "Health care facility", any hospital, nursing home, extended care facility, state health or

20        mental institution, clinic, physician's office or health maintenance organization licensed or

21        otherwise operating legally within the commonwealth.

22        "Health care provider" or "provider", an individual licensed, certified or otherwise

23        authorized or permitted by law to administer health care in the ordinary course of business or

24        professional practice.

25        "Health care proxy", a document delegating to an agent the authority to make health care

26        decisions, executed in accordance with the requirements of chapter 201D.

27        "Incapacitated person", an adult who has a clinically diagnosed condition that results in

28        an inability to receive and evaluate information or make or communicate decisions to such an

29        extent that the individual lacks the ability to meet essential requirements for physical health,

30        safety or self-care, even with appropriate technological assistance.

31        (b) The department of public health shall provide health care providers with a

32        standardized medical form whereby a patient, an authorized representative of a patient who is an

33    incapacitated person or a parent or guardian of a patient who is a minor, may consent in writing

34    to a do-not-resuscitate order. Health care providers shall provide the form upon the request of a

35    patient, an authorized representative of a patient who is an incapacitated person or a parent or

36    guardian of a patient who is a minor. The form shall not constitute a valid order unless a licensed

37    physician, nurse practitioner or physician assistant verifies by signature that the patient

38    consented to the do-not-resuscitate order; provided, however, that in the case of a patient who is

39    an incapacitated person, the form shall not constitute a valid order unless a licensed physician,

40    nurse practitioner or physician assistant verifies by signature that an authorized representative of

41    the patient consented to the do-not-resuscitate order; and provided further, that in the case of a

42    minor, the form shall not constitute a valid order unless a licensed physician, nurse practitioner

43    or physician assistant verifies by signature that a parent or guardian of the patient consented to

44    the do-not-resuscitate order.

45         (c) A health care provider shall not perform cardiopulmonary resuscitation on a patient

46    the provider knows to be subject to a current and valid do-not-resuscitate order notwithstanding

47    the fact that the order may have been issued by a different provider or may have originated at a

48    different health care facility; provided, however, if the patient consents to cardiopulmonary

49    resuscitation during cardiac or respiratory arrest, the provider shall disregard the do-not-

50    resuscitate order.

51         (d) After a hearing pursuant to chapter 30A, a regulating board established pursuant to

52    this chapter, upon satisfactory proof to a majority of that board that a provider licensed by that

53    board knowingly violated subsection (c), may suspend the provider for not more than 8 days,

54    fine the provider not more than $1000 or require the provider to perform not more than 16 hours

55    of community service.

56        (e) Health care facilities shall adopt policies to ensure that providers are made aware of

57   patients subject to do-not-resuscitate orders that are being treated within the facility.

58        (f) The department of public health shall promulgate rules and regulations necessary to

59   carry out this section.