

HOUSE No. 3495

The Commonwealth of Massachusetts

PRESENTED BY:

Linda Dean Campbell, (BY REQUEST)

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:

Frances F. Gradzewicz

DISTRICT/ADDRESS:

DATE ADDED:

1/18/2019

HOUSE No. 3495

By Mrs. Campbell of Methuen (by request), a petition (accompanied by bill, House, No. 3495) of Frances F. Gradzewicz relative to do-not-resuscitate orders. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3227 OF 2017-2018.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

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 SECTION 1. Chapter 112 of the General Laws is hereby amended by inserting after
2 section 12V 1/2 the following section:-

3 Section 12V 3/4. (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; provided, further that for the purposes of this section a guardian appointed pursuant
12 to said part 3 of said article V shall not be considered an authorized representative if they are not
13 a family member, relation or spouse of the person they have been appointed to act on behalf of.

14 “Cardiopulmonary resuscitation”, measures used to restore or support cardiac or
15 respiratory function in the event of a cardiac or respiratory arrest, including chest compressions,
16 cardiac drugs, intubation or the placement of any breathing tube.

17 “Do-not-resuscitate order”, a medical order that cardiopulmonary resuscitation should not
18 be administered to a particular patient signed by a licensed physician, nurse practitioner or
19 physician assistant verifying that a patient, an authorized person of a patient who is an
20 incapacitated person or a parent or guardian of a patient who is a minor, consented to the order.

21 “Health care facility”, any hospital, nursing home, extended care facility, state health or
22 mental institution, clinic, physician's office or health maintenance organization licensed or
23 otherwise operating legally within the commonwealth.

24 “Health care provider” or “provider”, an individual licensed, certified or otherwise
25 authorized or permitted by law to administer health care in the ordinary course of business or
26 professional practice.

27 “Health care proxy”, a document delegating to an agent the authority to make health care
28 decisions, executed in accordance with the requirements of chapter 201D.

29 “Incapacitated person”, an adult who has a clinically diagnosed condition that results in
30 an inability to receive and evaluate information or make or communicate decisions to such an

31 extent that the individual lacks the ability to meet essential requirements for physical health,
32 safety or self-care, even with appropriate technological assistance.

33 (b) The department of public health shall provide health care providers with a
34 standardized medical form whereby a patient, an authorized representative of a patient who is an
35 incapacitated person or a parent or guardian of a patient who is a minor, may consent in writing
36 to a do-not-resuscitate order. Health care providers shall provide the form upon the request of a
37 patient, an authorized representative of a patient who is an incapacitated person or a parent or
38 guardian of a patient who is a minor. The form shall not constitute a valid order unless a licensed
39 physician, nurse practitioner or physician assistant verifies by signature that the patient
40 consented to the do-not-resuscitate order; provided, however, that the licensed physician, nurse
41 practitioner or physician assistant who verifies the patient's consent for a do-not resuscitate order
42 shall record the do-not-resuscitate order on the patient's electronic medical record; provided,
43 further, that in the case of a patient who is an incapacitated person, the form shall not constitute a
44 valid order unless a licensed physician, nurse practitioner or physician assistant verifies by
45 signature that an authorized representative of the patient consented to the do-not-resuscitate
46 order; and provided further, that in the case of a minor, the form shall not constitute a valid order
47 unless a licensed physician, nurse practitioner or physician assistant verifies by signature that a
48 parent or guardian of the patient consented to the do-not-resuscitate order.

49 (c) A health care provider shall not perform cardiopulmonary resuscitation on a patient
50 the provider knows to be subject to a current and valid do-not-resuscitate order notwithstanding
51 the fact that the order may have been issued by a different provider or may have originated at a
52 different health care facility; provided, however, if the patient consents to cardiopulmonary

53 resuscitation during cardiac or respiratory arrest, the provider shall disregard the do-not-
54 resuscitate order.

55 (d) After a hearing pursuant to chapter 30A, a regulating board established pursuant to
56 this chapter, upon satisfactory proof to a majority of that board that a provider licensed by that
57 board knowingly violated subsection (c), the department of public health shall enforce penalties,
58 rules and regulations determined by the department of public health that are necessary to enforce
59 subsection (c).

60 (e) Health care facilities shall adopt policies to ensure that providers are made aware of
61 patients subject to do-not-resuscitate orders that are being treated within the facility.

62 (f) The department of public health shall promulgate rules and regulations necessary to
63 carry out this section.