

FIRST REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 228

102ND GENERAL ASSEMBLY

1063S.02C

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 190.600, 190.603, 190.606, and 190.612, RSMo, and to enact in lieu thereof five new sections relating to do-not-resuscitate orders.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 190.600, 190.603, 190.606, and
2 190.612, RSMo, are repealed and five new sections enacted in
3 lieu thereof, to be known as sections 190.600, 190.603, 190.606,
4 190.612, and 190.613, to read as follows:

190.600. 1. Sections 190.600 to 190.621 shall be
2 known and may be cited as the "Outside the Hospital Do-Not-
3 Resuscitate Act".

4 2. As used in sections 190.600 to 190.621, unless the
5 context clearly requires otherwise, the following terms
6 shall mean:

7 (1) "Attending physician":

8 (a) A physician licensed under chapter 334 selected by
9 or assigned to a patient who has primary responsibility for
10 treatment and care of the patient; or

11 (b) If more than one physician shares responsibility
12 for the treatment and care of a patient, one such physician
13 who has been designated the attending physician by the
14 patient or the patient's representative shall serve as the
15 attending physician;

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 (2) "Cardiopulmonary resuscitation" or "CPR",
17 emergency medical treatment administered to a patient in the
18 event of the patient's cardiac or respiratory arrest, and
19 shall include cardiac compression, endotracheal intubation
20 and other advanced airway management, artificial
21 ventilation, defibrillation, administration of cardiac
22 resuscitation medications, and related procedures;

23 (3) "Department", the department of health and senior
24 services;

25 (4) "Emergency medical services personnel", paid or
26 volunteer firefighters, law enforcement officers, first
27 responders, emergency medical technicians, or other
28 emergency service personnel acting within the ordinary
29 course and scope of their professions, but excluding
30 physicians;

31 (5) "Health care facility", any institution, building,
32 or agency or portion thereof, private or public, excluding
33 federal facilities and hospitals, whether organized for
34 profit or not, used, operated, or designed to provide health
35 services, medical treatment, or nursing, rehabilitative, or
36 preventive care to any person or persons. Health care
37 facility includes but is not limited to ambulatory surgical
38 facilities, health maintenance organizations, home health
39 agencies, hospices, infirmaries, renal dialysis centers,
40 long-term care facilities licensed under sections 198.003 to
41 198.186, medical assistance facilities, mental health
42 centers, outpatient facilities, public health centers,
43 rehabilitation facilities, and residential treatment
44 facilities;

45 (6) "Hospital", a place devoted primarily to the
46 maintenance and operation of facilities for the diagnosis,
47 treatment, or care for not less than twenty-four consecutive

48 hours in any week of three or more nonrelated individuals
49 suffering from illness, disease, injury, deformity, or other
50 abnormal physical conditions; or a place devoted primarily
51 to provide for not less than twenty-four consecutive hours
52 in any week medical or nursing care for three or more
53 nonrelated individuals. Hospital does not include any long-
54 term care facility licensed under sections 198.003 to
55 198.186;

56 (7) "Outside the hospital do-not-resuscitate
57 identification" or "outside the hospital DNR
58 identification", a standardized identification card,
59 bracelet, or necklace of a single color, form, and design as
60 described by rule of the department that signifies that the
61 patient's attending physician has issued an outside the
62 hospital do-not-resuscitate order for the patient and has
63 documented the grounds for the order in the patient's
64 medical file;

65 (8) "Outside the hospital do-not-resuscitate order" or
66 "outside the hospital DNR order", a written physician's
67 order signed by the patient and the attending physician, or
68 the patient's representative and the attending physician, in
69 a form promulgated by rule of the department which
70 authorizes emergency medical services personnel to withhold
71 or withdraw cardiopulmonary resuscitation from the patient
72 in the event of cardiac or respiratory arrest;

73 (9) "Outside the hospital do-not-resuscitate protocol"
74 or "outside the hospital DNR protocol", a standardized
75 method or procedure promulgated by rule of the department
76 for the withholding or withdrawal of cardiopulmonary
77 resuscitation by emergency medical services personnel from a
78 patient in the event of cardiac or respiratory arrest;

79 (10) "Patient", a person eighteen years of age or
80 older who is not incapacitated, as defined in section
81 475.010, and who is otherwise competent to give informed
82 consent to an outside the hospital do-not-resuscitate order
83 at the time such order is issued, and who, with his or her
84 attending physician, has executed an outside the hospital do-
85 not-resuscitate order under sections 190.600 to 190.621. A
86 person who has a patient's representative shall also be a
87 patient for the purposes of sections 190.600 to 190.621, if
88 the person or the person's patient's representative has
89 executed an outside the hospital do-not-resuscitate order
90 under sections 190.600 to 190.621. **A person under eighteen**
91 **years of age shall also be a patient for purposes of**
92 **sections 190.600 to 190.621 if the person has had a do-not-**
93 **resuscitate order issued on his or her behalf under the**
94 **provisions of section 191.250;**

95 (11) "Patient's representative":

96 (a) An attorney in fact designated in a durable power
97 of attorney for health care for a patient determined to be
98 incapacitated under sections 404.800 to 404.872; or

99 (b) A guardian or limited guardian appointed under
100 chapter 475 to have responsibility for an incapacitated
101 patient.

190.603. 1. A patient or patient's representative and
2 the patient's attending physician may execute an outside the
3 hospital do-not-resuscitate order. An outside the hospital
4 do-not-resuscitate order shall not be effective unless it is
5 executed by the patient or patient's representative and the
6 patient's attending physician, and it is in the form
7 promulgated by rule of the department.

8 2. **A patient under eighteen years of age is not**
9 **authorized to execute an outside the hospital do-not-**

10 **resuscitate order for himself or herself but may have a do-**
11 **not-resuscitate order issued on his or her behalf by one**
12 **parent or legal guardian or by a juvenile or family court**
13 **under the provisions of section 191.250. Such do-not-**
14 **resuscitate order shall also function as an outside the**
15 **hospital do-not-resuscitate order for the purposes of**
16 **sections 190.600 to 190.621 unless such do-not-resuscitate**
17 **order authorized under the provisions of section 191.250**
18 **states otherwise.**

19 3. If an outside the hospital do-not-resuscitate order
20 has been executed, it shall be maintained as the first page
21 of a patient's medical record in a health care facility
22 unless otherwise specified in the health care facility's
23 policies and procedures.

24 [3.] 4. An outside the hospital do-not-resuscitate
25 order shall be transferred with the patient when the patient
26 is transferred from one health care facility to another
27 health care facility. If the patient is transferred outside
28 of a hospital, the outside the hospital DNR form shall be
29 provided to any other facility, person, or agency
30 responsible for the medical care of the patient or to the
31 patient or patient's representative.

190.606. The following persons and entities shall not
2 be subject to civil, criminal, or administrative liability
3 and are not guilty of unprofessional conduct for the
4 following acts or omissions that follow discovery of an
5 outside the hospital do-not-resuscitate identification upon
6 a patient **or a do-not-resuscitate order functioning as an**
7 **outside the hospital do-not-resuscitate order for a patient**
8 **under eighteen years of age,** or upon being presented with an
9 outside the hospital do-not-resuscitate order [from
10 Missouri, another state, the District of Columbia, or a

11 territory of the United States]; provided that the acts or
12 omissions are done in good faith and in accordance with the
13 provisions of sections 190.600 to 190.621 and the provisions
14 of an outside the hospital do-not-resuscitate order executed
15 under sections 190.600 to 190.621:

16 (1) Physicians, persons under the direction or
17 authorization of a physician, emergency medical services
18 personnel, or health care facilities that cause or
19 participate in the withholding or withdrawal of
20 cardiopulmonary resuscitation from such patient; and

21 (2) Physicians, persons under the direction or
22 authorization of a physician, emergency medical services
23 personnel, or health care facilities that provide
24 cardiopulmonary resuscitation to such patient under an oral
25 or written request communicated to them by the patient or
26 the patient's representative.

190.612. 1. Emergency medical services personnel are
2 authorized to comply with the outside the hospital do-not-
3 resuscitate protocol when presented with an outside the
4 hospital do-not-resuscitate identification or an outside the
5 hospital do-not-resuscitate order. However, emergency
6 medical services personnel shall not comply with an outside
7 the hospital do-not-resuscitate order or the outside the
8 hospital do-not-resuscitate protocol when the patient or
9 patient's representative expresses to such personnel in any
10 manner, before or after the onset of a cardiac or
11 respiratory arrest, the desire to be resuscitated.

12 2. [Emergency medical services personnel are
13 authorized to comply with the outside the hospital do-not-
14 resuscitate protocol when presented with an outside the
15 hospital do-not-resuscitate order from another state, the

16 District of Columbia, or a territory of the United States if
17 such order is on a standardized written form:

18 (1) Signed by the patient or the patient's
19 representative and a physician who is licensed to practice
20 in the other state, the District of Columbia, or the
21 territory of the United States; and

22 (2) Such form has been previously reviewed and
23 approved by the department of health and senior services to
24 authorize emergency medical services personnel to withhold
25 or withdraw cardiopulmonary resuscitation from the patient
26 in the event of a cardiac or respiratory arrest.

27 Emergency medical services personnel shall not comply with
28 an outside the hospital do-not-resuscitate order from
29 another state, the District of Columbia, or a territory of
30 the United States or the outside the hospital do-not-
31 resuscitate protocol when the patient or patient's
32 representative expresses to such personnel in any manner,
33 before or after the onset of a cardiac or respiratory
34 arrest, the desire to be resuscitated.]

35 (1) Except as provided in subdivision (2) of this
36 subsection, emergency medical services personnel are
37 authorized to comply with the outside the hospital do-not-
38 resuscitate protocol when presented with a do-not-
39 resuscitate order functioning as an outside the hospital do-
40 not-resuscitate order for a patient under eighteen years of
41 age if such do-not-resuscitate order has been authorized by
42 one parent or legal guardian or by a juvenile or family
43 court under the provisions of section 191.250.

44 (2) Emergency medical services personnel shall not
45 comply with a do-not-resuscitate order or the outside the
46 hospital do-not-resuscitate protocol when the patient under

47 eighteen years of age, either parent of such patient, the
48 patient's legal guardian, or the juvenile or family court
49 expresses to such personnel in any manner, before or after
50 the onset of a cardiac or respiratory arrest, the desire for
51 the patient to be resuscitated.

52 3. If a physician or a health care facility other than
53 a hospital admits or receives a patient with an outside the
54 hospital do-not-resuscitate identification or an outside the
55 hospital do-not-resuscitate order, and the patient or
56 patient's representative has not expressed or does not
57 express to the physician or health care facility the desire
58 to be resuscitated, and the physician or health care
59 facility is unwilling or unable to comply with the outside
60 the hospital do-not-resuscitate order, the physician or
61 health care facility shall take all reasonable steps to
62 transfer the patient to another physician or health care
63 facility where the outside the hospital do-not-resuscitate
64 order will be complied with.

190.613. 1. A patient or patient's representative and
2 the patient's attending physician may execute an outside the
3 hospital do-not-resuscitate order through the presentation
4 of a properly executed outside the hospital do-not-
5 resuscitate order from another state, the District of
6 Columbia, or a territory of the United States, or a
7 Transportable Physician Orders for Patient Preferences
8 (TPOPP)/Physician Orders for Life-Sustaining Treatment
9 (POLST) form containing a specific do-not-resuscitate
10 section.

11 2. Any outside the hospital do-not-resuscitate form
12 identified from another state, the District of Columbia, or
13 a territory of the United States, or a TPOPP/POLST form
14 shall:

15 (1) Have been previously reviewed and approved by the
16 department as in compliance with the provision of sections
17 190.600 to 190.615;

18 (2) Not be accepted for a patient under eighteen years
19 of age, except as allowed under section 191.250; and

20 (3) Not be effective during such time as the patient
21 is pregnant as set forth in section 190.609.

22 A patient or patient's representative may express to
23 emergency medical services personnel, at any time and by any
24 means, the intent to revoke the outside the hospital do-not-
25 resuscitate order.

26 3. The provisions of section 190.606 shall apply to
27 the good faith acts or omissions of emergency medical
28 services personnel under this section.

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