

1 surrogate and the patient's physician, that records the
2 patient's wishes and that directs a health care provider
3 regarding the provision of resuscitative and life sustaining
4 measures. A physician orders for life sustaining treatment form
5 is not an advance health-care directive.

6 "Surrogate" shall have the same meaning as in section 327E-
7 2, except that for purposes of this chapter, a surrogate shall
8 be designated only by the patient.

9 **§ -2 Physician orders for life sustaining treatment**

10 **form; execution; explanation; compliance; revocation.** (a) The
11 following may execute a form:

12 (1) The patient;

13 (2) The patient's physician; and

14 (3) The surrogate, but only if the patient:

15 (A) Lacks capacity; or

16 (B) Has designated that the surrogate is authorized
17 to execute the form.

18 The patient's physician may medically evaluate the patient and,
19 based upon the evaluation, may recommend new orders consistent
20 with the most current information available about the
21 individual's health status and goals of care. The physician
22 shall consult with the patient or the surrogate before issuing

1 any new orders on a form. The patient or the surrogate may
2 choose to execute or not execute any new form. If a patient is
3 incapacitated, the surrogate shall consult with the patient's
4 physician before requesting the physician to modify treatment
5 orders on the form. To be valid, a form shall be signed by the
6 patient's physician and the patient, or the patient's physician
7 and the surrogate. At any time, a patient, or if incapacitated,
8 the surrogate, may request alternative treatment that differs
9 from the treatment indicated on the form.

10 (b) The patient's physician, rather than any other health
11 care provider, shall explain to the patient the nature and
12 content of the form, including any medical intervention or
13 procedures, and shall also explain the difference between an
14 advance health-care directive and the form. The form shall be
15 prepared by the patient's physician or a health care provider
16 based on the patient's preferences and medical indications.

17 (c) Any health care provider, including the patient's
18 physician and treating physician, emergency medical services
19 personnel, and emergency physicians shall comply with a properly
20 executed and signed form and treat the patient according to the
21 orders on the form; provided that compliance shall not be
22 required if the orders on the form request medically ineffective

1 health care or health care that is contrary to generally
2 accepted health care standards.

3 (d) A patient having capacity may revoke a form at any
4 time and in any manner that communicates intent to revoke.

5 § -3 **Immunity.** (a) No physician, health care
6 professional, nurse's aide, hospice provider, home care
7 provider, including private duty and medicare home health
8 providers, emergency medical services provider, adult
9 residential care home operator, skilled nursing facility
10 operator, hospital, or person employed by or under contract with
11 a hospital shall be subject to criminal prosecution, civil
12 liability, or be deemed to have engaged in unprofessional
13 conduct for:

14 (1) Carrying out in good faith pursuant to this chapter a
15 decision regarding treatment orders, including
16 cardiopulmonary resuscitation by or on behalf of a
17 patient or for those actions taken in compliance with
18 the standards and procedures set forth in this
19 chapter; or

20 (2) Providing cardiopulmonary resuscitation to a patient
21 for whom an order not to resuscitate has been issued

1 on a form; provided the person reasonably and in good
2 faith:

3 (A) Was unaware of the issuance of an order not to
4 resuscitate; or

5 (B) Believed that consent to treatment orders,
6 including the order not to resuscitate, had been
7 revoked or canceled.

8 (b) No person shall be subject to criminal prosecution or
9 civil liability for consenting or declining to consent, in good
10 faith and on behalf of a patient, to the issuance of an order
11 not to resuscitate pursuant to this chapter.

12 § -4 **Rules.** The director of health may adopt rules in
13 accordance with chapter 91 to carry out this chapter."

14 SECTION 2. This Act shall take effect on July 1, 2050.

Report Title:

Physician Orders for Life Sustaining Treatment

Description:

Creates a process for a patient to direct end-of-life treatment in a standardized physician orders for life sustaining form.

Effective 7/1/2050. (SD2)