

SENATE BILL No. 664

November 1, 1989, Introduced by Senators SCHWARZ, FAXON, SEDERBURG, KELLY and EHLERS and referred to the Committee on Health Policy.

A bill to provide for the execution of a do-not-resuscitate order for patients in a nonhospital setting; to provide that certain actions be taken and certain actions not be taken with respect to an order; to provide for the revocation of an order; to exempt certain persons from penalties and liabilities; and to prescribe liabilities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "Michigan do-not-resuscitate procedure act".

3 Sec. 2. As used in this act:

4 (a) "Department" means the department of public health.

5 (b) "Do-not-resuscitate order" means a document executed
6 pursuant to section 3, directing that in the event that a patient
7 suffers cessation of both spontaneous respiration and
8 circulation, no resuscitation will be initiated.

1 (c) "Do-not-resuscitate identification bracelet" means a
2 hospital-type wrist bracelet issued by the department to be worn
3 by the patient while a do-not-resuscitate order is in effect.

4 (d) "Emergency medical technician" means that term as
5 defined in section 20904 of the public health code, Act No. 368
6 of the Public Acts of 1978, being section 333.20904 of the
7 Michigan Compiled Laws.

8 (e) "Emergency medical technician specialist" means that
9 term as defined in section 20904 of Act No. 368 of the Public
10 Acts of 1978.

11 (f) "Medical first responder" means a person defined in
12 section 20906 of Act No. 368 of the Public Acts of 1978, being
13 section 333.20906 of the Michigan Compiled Laws.

14 (g) "Nurse" means a licensed practical nurse or a registered
15 professional nurse as defined in part 172 of Act No. 368 of the
16 Public Acts of 1978, being sections 333.17201 to 333.17242 of the
17 Michigan Compiled Laws.

18 (h) "Order" means a do-not-resuscitate order.

19 (i) "Organization" means a company, corporation, firm, part-
20 nership, association, trust, or governmental agency.

21 (j) "Paramedic" means that term as defined in section 20908
22 of Act No. 368 of the Public Acts of 1978, being
23 section 333.20908 of the Michigan Compiled Laws.

24 (k) "Physician" means a person licensed to engage in the
25 practice of medicine or the practice of osteopathic medicine and
26 surgery pursuant to article 15 of Act No. 368 of the Public Acts

1 of 1978, being sections 333.16101 to 333.18838 of the Michigan
2 Compiled Laws.

3 (1) "Terminally ill" means a state in which an incurable,
4 irreversible, and uncontrollable disease or condition will, in
5 the opinion of the attending physician based on current medical
6 practices, likely result in death within 6 months.

7 (m) "Vital sign" means a pulse or evidence of respiration.

8 Sec. 3. (1) An individual who is 18 years of age or older,
9 of sound mind, and who has been diagnosed to be terminally ill
10 may execute a do-not-resuscitate order.

11 (2) The order shall be on a form distributed by the depart-
12 ment, and shall be dated and executed voluntarily. The order
13 shall be signed by the patient, or in the presence of the patient
14 at his or her direction, the attending physician, and 2 witnesses
15 who are 18 years of age or older. A person who signs for the
16 patient shall also sign his or her own name. The names of the
17 attending physician and witnesses shall be printed or typed below
18 the corresponding signatures. The witnesses shall not be the
19 patient's spouse, parent, child, grandchild, sibling, presumptive
20 heir, an employee of a health facility that is treating the
21 patient, or an employee of a home for the aged where the patient
22 resides.

23 (3) A witness shall not sign an order unless the patient
24 appears to be of sound mind and under no duress, fraud, or undue
25 influence.

1 (4) At the time an order is signed and witnessed, the
 2 attending physician shall apply an identification bracelet to the
 3 patient's wrist.

4 (5) A patient who executes an order shall maintain posses-
 5 sion of the order and shall have the order accessible within his
 6 or her place of residence.

7 Sec. 4. The department shall provide a standard form to
 8 serve as a do-not-resuscitate order. The order shall read as
 9 follows:

10 **"DO-NOT-RESUSCITATE ORDER"**

11 I, _____, have been diagnosed as having a terminal
 12 illness. I have discussed both the prognosis of this illness and
 13 the treatment options with my physician, _____.
 14 Based on this information, I request that in the event my heart
 15 and breathing should stop, no person shall attempt to resuscitate
 16 me.

17 Being of sound mind, I voluntarily execute this order, and I
 18 understand its full import.

19 _____
 20 (Patient's signature) (Date)

21 _____
 22 (Type or print patient's full name)

23 _____
 24 (Signature of person who signed for patient,
 25 if applicable)

26 _____
 27 (Physician's signature) (Date)

28 _____
 29 (Type or print physician's full name)

ATTESTATION OF WITNESSES

The patient who has executed this order appears to be of sound mind, and under no duress, fraud, or undue influence. Upon executing this order, the patient has received an identification bracelet.

(Witness signature) (Date)

(Witness signature) (Date)

(Type or print witness's name)

(Type or print witness's name)"

Sec. 5. The department shall provide do-not-resuscitate identification bracelets to physicians. The bracelets shall possess features so as to be clearly recognizable as do-not-resuscitate identification bracelets.

Sec. 6. A physician who signs a patient's do-not-resuscitate order shall immediately make a copy of the executed order part of the patient's medical record and shall review the conditions of the order with the patient not less than every 6 months. After such review, the physician shall note the date of review on the order and place his or her initials next to that date.

Sec. 7. If a person interested in the welfare of the patient has reason to believe that an order has been executed contrary to the wishes of the patient, the person may petition the probate court to have the order and the conditions of its execution reviewed.

Sec. 8. (1) A patient may revoke an order at any time and in any manner by which he or she is able to communicate an intent to revoke the order. If the revocation is not in writing, a

1 person who observes the revocation shall describe the
2 circumstances of the revocation in writing and sign the writing.
3 Upon revocation, the patient or attending physician shall destroy
4 the order and remove the do-not-resuscitate identification
5 bracelet.

6 (2) A physician who receives notice of a revocation shall
7 immediately make the revocation, including, if available, the
8 written description of the circumstances of the revocation
9 required by subsection (1), part of the patient's medical
10 record.

11 (3) A revocation of a patient is binding upon an individual
12 upon the individual's actual notice of the revocation.

13 Sec. 9. (1) If an advanced emergency medical technician,
14 emergency medical technician, emergency medical technician spe-
15 cialist, a physician, nurse, peace officer, fire fighter, first
16 responder, or an individual employed by an ambulance operation or
17 an advanced or limited advanced mobile emergency care service,
18 upon arrival at a patient's place of residence, is shown an
19 order, he or she shall check to see if the patient has any vital
20 signs.

21 (2) If the patient has no vital signs, the person shall
22 check to see if the patient is wearing a do-not-resuscitate iden-
23 tification bracelet and verify that the name on the order is the
24 same as the name on the bracelet.

25 (3) If the patient is wearing a bracelet and the names on
26 the order and the bracelet are the same, the person shall not
27 attempt to resuscitate the patient.

1 Sec. 10. A person or organization shall not be subject to
2 civil or criminal liability for withholding medical treatment
3 from a patient in accordance with this act.

4 Sec. 11. A person or organization shall not require the
5 execution of an order as a condition for insurance coverage,
6 admittance to a health care facility, receiving health care bene-
7 fits or services, or for any other reason.

8 Sec. 12. A life insurer shall not do any of the following
9 because of the execution or implementation of an order:

10 (a) Refuse to provide or continue coverage to the patient.

11 (b) Charge the patient a higher premium.

12 (c) Offer a patient different policy terms because the
13 patient has executed an order.

14 (d) Consider the terms of an existing policy of life insur-
15 ance to have been breached or modified.

16 (e) Invoke any suicide or intentional death exemption or
17 exclusion in any policy covering the patient.

18 Sec. 13. (1) The provisions of this act are cumulative and
19 shall not be construed to impair or supersede any legal right
20 that any person may have to consent to or refuse medical
21 intervention.

22 (2) This act does not create a presumption concerning the
23 intention of a person executing an order to consent to or refuse
24 medical treatment in circumstances other than the cessation of
25 both spontaneous circulation and respiration.

1 (3) This act does not create a presumption concerning the
2 intention of an individual who has not executed an order to
3 consent to or refuse any type of medical treatment.

4 Sec. 14. This act shall not take effect unless House Bill
5 No. 4952 of the 85th Legislature is enacted into law.