

HOUSE BILL NO. 5476

February 11, 2020, Introduced by Reps. Bellino, Brann, Paquette and Green and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 20403 (MCL 333.20403), as added by 2013 PA 57,
and by adding section 20404; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 20403. (1) ~~Upon~~ **On** the request of a patient or resident
2 or a prospective patient or resident, a health facility or agency
3 shall disclose in writing any policies related to a patient or
4 resident or the services a patient or resident may receive
5 involving life-sustaining or nonbeneficial treatment within that



1 health facility or agency.

2 (2) If the patient or resident or prospective patient or
3 resident is a minor or ward, the health facility or agency shall
4 ~~upon~~on request provide in writing the policies described in
5 subsection (1) to a parent or legal guardian of the patient or
6 resident or prospective patient or resident.

7 (3) This section does not require a health facility or agency
8 to establish or maintain a policy described in this section that is
9 not already required by federal or state law on September 10, 2013.

10 Sec. 20404. (1) Except as otherwise provided in subsection (3)
11 and subject to subsection (2), a health facility or agency shall
12 not implement a medical order to not resuscitate a patient or
13 resident who is a minor without first providing all of the
14 following information to at least 1 parent or legal guardian of the
15 minor:

16 (a) That the plan of care for the minor includes implementing
17 a medical order to not resuscitate and what a medical order to not
18 resuscitate means for the minor.

19 (b) The policies described in section 20403, if applicable.

20 (c) The right described in subsection (4).

21 (d) Any other information required by law.

22 (2) The information described in subsection (1) must be
23 provided orally to the parent or legal guardian of the minor and be
24 provided in the presence of 1 qualified witness. After providing
25 the information, the health facility or agency shall request that
26 the minor's parent or legal guardian sign a written acknowledgment
27 that he or she received the information and shall document each of
28 the following in the minor's medical record:

29 (a) The name of the parent or legal guardian who was provided

1 with the information.

2 (b) The name of the qualified witness.

3 (c) The date and time that the information was provided.

4 (3) Subsection (1) does not apply if, at least 48 hours before
5 implementing a medical order to not resuscitate the minor, the
6 health facility or agency made a reasonably diligent effort to
7 contact each parent or legal guardian of the minor without success
8 and the health facility or agency documents its efforts in the
9 minor's medical record. If a medical order to not resuscitate a
10 minor is implemented under this subsection, the health facility or
11 agency shall document the reason for the order in the minor's
12 medical record.

13 (4) A parent or legal guardian of a minor who receives the
14 information described in subsection (1) may request that the minor
15 be transferred to another health facility or agency at any time
16 before the medical order to not resuscitate the minor is
17 implemented. If the parent or legal guardian requests a transfer,
18 the health facility or agency in which the minor is located shall
19 provide a reasonable time for the parent or legal guardian to find
20 another health facility or agency that will accept the minor before
21 implementing the medical order to not resuscitate. The health
22 facility or agency shall provide the minor's medical records to any
23 health facility or agency that requests the medical records to
24 determine whether it is willing to accept the minor. If another
25 health facility or agency is willing to accept the minor, the
26 health facility or agency in which the minor is located shall make
27 reasonable efforts to facilitate the transfer to the other health
28 facility or agency.

29 (5) If a health facility or agency has notice of a pending

1 action to enjoin a violation of this section or a threatened
2 violation of this section or to resolve a conflict between the
3 minor's parents, the health facility or agency shall not implement
4 the medical order to not resuscitate pending a final decision or
5 order of a court, including the exhaustion of any appeals.

6 (6) This section does not require a health facility or agency
7 to provide or continue resuscitative measures on a minor if a
8 qualified health professional, exercising his or her reasonable
9 medical judgment, determines either of the following:

10 (a) That providing the resuscitative measures would be
11 medically inappropriate because it would create a greater risk of
12 causing or hastening the minor's death.

13 (b) That providing the resuscitative measures could be harmful
14 or cause unnecessary pain, suffering, or injury to the minor
15 because there is no further benefit to the minor in performing the
16 resuscitative measures.

17 (7) As used in this section:

18 (a) "Medical order to not resuscitate" means an order
19 directing that, if an individual suffers cessation of both
20 spontaneous respiration and circulation, resuscitation will not be
21 initiated. A medical order to not resuscitate does not include a
22 do-not-resuscitate order that is executed under the Michigan do-
23 not-resuscitate procedure act, 1996 PA 193, MCL 333.1051 to
24 333.1067, or a medical order to not resuscitate that is contained
25 in a physician orders for scope of treatment form executed under
26 part 56b.

27 (b) "Qualified health professional" means a physician or
28 registered professional nurse who is licensed under article 15 and
29 is employed by, under contract with, or granted privileges by the

1 health facility or agency.

2 (c) "Qualified witness" means an individual other than a
3 parent or legal guardian of the minor.

4 Enacting section 1. Section 20405 of the public health code,
5 1978 PA 368, MCL 333.20405, is repealed.

