

**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2017**

Introduced by Reps. Love, Cox, Tedder, Vaupel, Webber, Kahle, Canfield and Glenn

ENROLLED HOUSE BILL No. 4174

AN ACT to amend 1996 PA 193, entitled “An act to provide for the execution of a do-not-resuscitate order for an individual in a setting outside of a hospital; to provide that certain actions be taken and certain actions not be taken with respect to a do-not-resuscitate order; to provide for the revocation of a do-not-resuscitate order; to prohibit certain persons and organizations from requiring the execution of a do-not-resuscitate order as a condition of receiving coverage, benefits, or services; to prohibit certain actions by certain insurers; to provide immunity from liability for certain persons; and to prescribe penalties and provide remedies,” by amending sections 2 and 11 (MCL 333.1052 and 333.1061), as amended by 2013 PA 155, and by adding section 11a.

The People of the State of Michigan enact:

Sec. 2. As used in this act:

(a) “Actual notice” includes the physical presentation of an order, a revocation of an order, or another written document authorized under this act from or on behalf of a declarant.

(b) “Attending physician” means the physician who has primary responsibility for the treatment and care of a declarant.

(c) “Declarant” means an individual who has executed a do-not-resuscitate order on his or her own behalf or on whose behalf a do-not-resuscitate order has been executed as provided in this act.

(d) “Delegatee” means an individual to whom a physician has delegated the authority to perform 1 or more selected acts, tasks, or functions under section 16215 of the public health code, MCL 333.16215.

(e) “Do-not-resuscitate identification bracelet” or “identification bracelet” means a wrist bracelet that meets the requirements of section 7 and that is worn by a declarant while a do-not-resuscitate order is in effect.

(f) “Do-not-resuscitate order” or “order” means a document executed under this act directing that, if an individual suffers cessation of both spontaneous respiration and circulation in a setting outside of a hospital, resuscitation will not be initiated.

(g) “Emergency medical technician” means that term as defined in section 20904 of the public health code, MCL 333.20904.

(h) “Emergency medical technician specialist” means that term as defined in section 20904 of the public health code, MCL 333.20904.

(i) “Guardian” means that term as defined in section 1104 of the estates and protected individuals code, 1998 PA 386, MCL 700.1104.

(j) “Hospital” means that term as defined in section 20106 of the public health code, MCL 333.20106.

(k) “Medical first responder” means that term as defined in section 20906 of the public health code, MCL 333.20906.

(l) “Nurse” means an individual licensed or otherwise authorized to engage in the practice of nursing or practice of nursing as a licensed practical nurse under part 172 of the public health code, MCL 333.17201 to 333.17242.

(m) “Organization” means a company, corporation, firm, partnership, association, trust, or other business entity or a governmental agency.

(n) “Paramedic” means that term as defined in section 20908 of the public health code, MCL 333.20908.

(o) “Patient advocate” means an individual designated to make medical treatment decisions for a patient under sections 5506 to 5515 of the estates and protected individuals code, 1998 PA 386, MCL 700.5506 to 700.5515.

(p) “Physician” means an individual licensed or otherwise authorized to engage in the practice of medicine or the practice of osteopathic medicine and surgery under article 15 of the public health code, MCL 333.16101 to 333.18838.

(q) “Physician’s assistant” means an individual who is licensed as a physician’s assistant under part 170 or part 175 of the public health code, MCL 333.17001 to 333.17084 and 333.17501 to 333.17556.

(r) “Public health code” means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.

(s) “Vital sign” means a pulse or evidence of respiration.

(t) “Ward” means that term as defined in section 1108 of the estates and protected individuals code, 1998 PA 386, MCL 700.1108.

Sec. 11. (1) One or more of the following health professionals who arrive at a declarant’s location outside of a hospital shall determine if the declarant has 1 or more vital signs, whether or not the health professional views or has actual notice of an order that is alleged to have been executed by the declarant or other person authorized to execute an order on the declarant’s behalf:

(a) A paramedic.

(b) An emergency medical technician.

(c) An emergency medical technician specialist.

(d) A physician.

(e) A nurse.

(f) A medical first responder.

(g) A respiratory therapist.

(h) A physician’s assistant.

(2) If the health professional determines under subsection (1) that the declarant has no vital signs, and if the health professional determines that the declarant is wearing a do-not-resuscitate identification bracelet or has actual notice of a do-not-resuscitate order for the declarant, subject to section 11a, the health professional shall not attempt to resuscitate the declarant.

Sec. 11a. (1) If a health professional described in section 11 has actual notice of a do-not-resuscitate order and is aware of the existence of a validly executed POST form under part 56B of the public health code, MCL 333.5671 to 333.5685, that contains a medical order regarding the initiation of resuscitation if the individual suffers cessation of both spontaneous respiration and circulation, the health professional shall comply with the most recent order or form.

(2) As used in this section, “POST form” means that term as defined in section 5674 of the public health code, MCL 333.5674.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 4170 of the 99th Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor