



HOUSE BILL No. 4524

March 7, 1995, Introduced by Reps. Nye, Bush, Law, Rocca, Freeman, Walberg, Dobb, Hill, Martinez, Pitoniak, Baird, Goschka, Weeks, Yokich, Hammerstrom, Johnson and Byl 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 such an order; to provide for the revocation of a do-not-resuscitate order; to prohibit certain persons and organizations from requiring the execution of such an order as a condition of receiving coverage, benefits, or services; to prohibit certain actions by certain insurers; 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:

1 (a) "Attending physician" means the physician who has
2 primary responsibility for the treatment and care of a
3 declarant.

4 (b) "Declarant" means a person who has executed a
5 do-not-resuscitate order pursuant to section 3.

6 (c) "Department" means the department of public health.

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

11 (e) "Do-not-resuscitate identification bracelet" means a
12 hospital-type wrist bracelet issued by the department to be worn
13 by the patient while a do-not-resuscitate order is in effect.

14 (f) "Emergency medical technician" means that term as
15 defined in section 20904 of the public health code, Act No. 368
16 of the Public Acts of 1978, being section 333.20904 of the
17 Michigan Compiled Laws.

18 (g) "Emergency medical technician specialist" means that
19 term as defined in section 20904 of Act No. 368 of the Public
20 Acts of 1978.

21 (h) "Health facility or agency" means that term as defined
22 in section 20106 of Act No. 368 of the Public Acts of 1978, being
23 section 333.20106 of the Michigan Compiled Laws.

24 (i) "Medical first responder" means a person defined in
25 section 20906 of Act No. 368 of the Public Acts of 1978, being
26 section 333.20906 of the Michigan Compiled Laws.

1 (j) "Nurse" means a licensed practical nurse or a registered
2 professional nurse as defined in part 172 of Act No. 368 of the
3 Public Acts of 1978, being sections 333.17201 to 333.17242 of the
4 Michigan Compiled Laws.

5 (k) "Order" means a do-not-resuscitate order.

6 (l) "Organization" means a company, corporation, firm, part-
7 nership, association, trust, or governmental agency.

8 (m) "Paramedic" means that term as defined in section 20908
9 of Act No. 368 of the Public Acts of 1978, being
10 section 333.20908 of the Michigan Compiled Laws.

11 (n) "Physician" means a person licensed to engage in the
12 practice of medicine or the practice of osteopathic medicine and
13 surgery pursuant to article 15 of Act No. 368 of the Public Acts
14 of 1978, being sections 333.16101 to 333.18838 of the Michigan
15 Compiled Laws.

16 (o) "Terminally ill" means a state in which an incurable and
17 irreversible disease or condition will, in the opinion of the
18 attending physician based on current medical practices, likely
19 result in death within 6 months even if the person with the dis-
20 ease or condition receives medical treatment.

21 (p) "Vital sign" means a pulse or evidence of respiration.

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

25 (2) The order shall be on a form distributed by the depart-
26 ment, and shall be dated and executed voluntarily. The order
27 shall be signed by each of the following persons:

1 (a) The declarant or another person who, at the time of the
2 signing, is in the presence of the declarant and acting pursuant
3 to the directions of the declarant.

4 (b) The declarant's attending physician.

5 (c) Two witnesses 18 years of age or older who are not any
6 of the following:

7 (i) The declarant's spouse, parent, child, grandchild, sib-
8 ling, or presumptive heir.

9 (ii) An employee of a health facility or agency that is
10 treating the declarant or at which the declarant resides.

11 (3) The names of the attending physician and each witness
12 shall be printed or typed below the corresponding signatures. A
13 witness shall not sign an order unless the declarant appears to
14 the witness to be of sound mind and under no duress, fraud, or
15 undue influence.

16 (4) At the time an order is signed and witnessed, the
17 attending physician shall apply an identification bracelet to the
18 declarant's wrist.

19 (5) A declarant who executes an order shall maintain posses-
20 sion of the order and shall have the order accessible within his
21 or her place of residence.

22 Sec. 4. The department shall provide a standard form to
23 serve as a do-not-resuscitate order. The order shall read sub-
24 stantially as follows:

25 **"DO-NOT-RESUSCITATE ORDER**

26 I, _____, have been diagnosed as having a terminal
27 illness. I have discussed both the prognosis of this illness and

1 the treatment options with my physician, _____.

2 Based on this information, I request that in the event my heart
3 and breathing should stop, no person shall attempt to resuscitate
4 me.

5 I understand that, for purposes of this order, "terminal
6 illness" means an incurable and irreversible disease or condition
7 that will, in the opinion of my physician based on current medi-
8 cal practices, likely result in death within 6 months, even if
9 the person with the disease or condition receives medical
10 treatment.

11 Unless revoked by me, this order is effective for 6 months
12 from the date of my signature. It will remain in effect if
13 reviewed and initialed by me and by my physician not less often
14 than every 6 months.

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

17 _____
18 (Declarant's signature) (Date)

19 _____
20 (Type or print declarant's full name)

21 _____
22 _____
23 (Signature of person who signed for (Date)
24 declarant, if applicable)

25 _____
26 _____
27 (Type or print full name)

28 _____
29 _____
30 (Physician's signature) (Date)

31 _____
32 (Type or print physician's full name)

33 ATTESTATION OF WITNESSES

1 The individual who has executed this order appears to be of
 2 sound mind, and under no duress, fraud, or undue influence. Upon
 3 executing this order, the individual has received an identifica-
 4 tion bracelet.

5 _____
 6 (Witness signature) (Date) (Witness signature) (Date)
 7 _____
 8 (Type or print witness's name) (Type or print witness's name)"

9 Sec. 5. The department shall provide do-not-resuscitate
 10 identification bracelets to physicians. The bracelets shall pos-
 11 sess features so as to be clearly recognizable as
 12 do-not-resuscitate identification bracelets.

13 Sec. 6. A physician who signs a declarant's
 14 do-not-resuscitate order shall immediately make a copy of the
 15 executed order part of the declarant's medical record and shall
 16 review the conditions of the order with the declarant not less
 17 than every 6 months. Following the review required under this
 18 section, and with the concurrence of the declarant, the physician
 19 shall note the date of review on the order and both the declarant
 20 and physician shall place their initials next to that date.

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

26 Sec. 8. (1) A declarant may revoke an order at any time and
 27 in any manner by which he or she is able to communicate an intent
 28 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 declarant or attending physician shall
4 destroy the order and remove the do-not-resuscitate identifica-
5 tion bracelet.

6 (2) A physician who receives notice of a revocation of an
7 order shall immediately make the revocation, including, if avail-
8 able, the written description of the circumstances of the revoca-
9 tion required by subsection (1), part of the revoking declarant's
10 medical record.

11 (3) A declarant's revocation of an order is binding upon
12 another person at the time that other person receives actual
13 notice of the revocation.

14 Sec. 9. (1) Any of the following persons who arrive at a
15 declarant's location and view an order described in section 3
16 that is alleged to have been signed by the declarant shall deter-
17 mine whether the declarant has any vital signs:

18 (a) A paramedic.

19 (b) An emergency medical technician.

20 (c) An emergency medical technician specialist.

21 (d) A physician.

22 (e) A nurse.

23 (f) A peace officer.

24 (g) A fire fighter.

25 (h) A first responder.

26 (i) A respiratory care practitioner.

1 (j) An individual employed by an ambulance operation or an
2 advanced or limited advanced mobile emergency care service.

3 (2) If the declarant has no vital signs, the person listed
4 in subsection (1) shall determine whether the declarant is wear-
5 ing a do-not-resuscitate identification bracelet and verify that
6 the name on the order is the same as the name on the bracelet.

7 (3) If the declarant is wearing a bracelet and the names on
8 the order and the bracelet are the same, the person listed in
9 subsection (1) shall not attempt to resuscitate the declarant.

10 Sec. 10. A person or organization is not subject to civil
11 or criminal liability for withholding medical treatment from a
12 declarant in accordance with this act.

13 Sec. 11. A person or organization that is unaware an indi-
14 vidual has executed a do-not-resuscitate order is not subject to
15 civil or criminal liability for attempting to resuscitate that
16 individual.

17 Sec. 12. A person or organization shall not require the
18 execution of an order described in section 3 as a condition for
19 insurance coverage, admittance to a health care facility, receiv-
20 ing health care benefits or services, or any other reason.

21 Sec. 13. A life insurer shall not do any of the following
22 because of the execution or implementation of an order:

23 (a) Refuse to provide or continue coverage to the
24 declarant.

25 (b) Charge the declarant a higher premium.

26 (c) Offer a declarant different policy terms because the
27 declarant has executed an order.

1 (d) Consider the terms of an existing policy of life
2 insurance to have been breached or modified.

3 (e) Invoke any suicide or intentional death exemption or
4 exclusion in any policy covering the declarant.

5 Sec. 14. (1) The provisions of this act are cumulative and
6 shall not be construed to impair or supersede a legal right that
7 a person may have to consent to or refuse medical intervention.

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

12 (3) This act does not create a presumption concerning the
13 intention of an individual who has not executed an order to con-
14 sent to or refuse any type of medical treatment.