



SENATE BILL No. 452

April 19, 1995, Introduced by Senators SCHWARZ, SHUGARS, BYRUM and O'BRIEN and referred to the Committee on Health Policy and Senior Citizens.

A bill to provide for the execution of a do-not-resuscitate order for a patient in a setting outside of a hospital, a nursing home, or a facility owned or operated by the department of mental health; 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".

1 Sec. 2. As used in this act:

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

5 (b) "Declarant" means a person who has executed a
6 do-not-resuscitate order or on whose behalf a do-not-resuscitate
7 order has been executed pursuant to section 3 or 5.

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

9 (d) "Do-not-resuscitate order" means a document executed
10 pursuant to section 3 or 5 directing that, in the event that a
11 patient suffers cessation of both spontaneous respiration and
12 circulation, no resuscitation will be initiated.

13 (e) "Do-not-resuscitate identification bracelet" or
14 "identification bracelet" means a wrist bracelet issued by the
15 department to be worn by the declarant while a do-not-resuscitate
16 order is in effect.

17 (f) "Emergency medical technician" means that term as
18 defined in section 20904 of the public health code, being section
19 333.20904 of the Michigan Compiled Laws.

20 (g) "Emergency medical technician specialist" means that
21 term as defined in section 20904 of the public health code.

22 (h) "Hospital" means that term as defined in section 20106
23 of the public health code, being section 333.20106 of the
24 Michigan Compiled Laws.

25 (i) "Medical first responder" means that term as defined in
26 section 20906 of the public health code, being section 333.20906
27 of the Michigan Compiled Laws.

1 (j) "Nurse" means a licensed practical nurse or a registered
2 professional nurse as defined in section 17201 of the public
3 health code, being section 333.17201 of the Michigan Compiled
4 Laws.

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

6 (l) "Organization" means a company, corporation, firm, part-
7 nership, association, trust, or other business entity or a gov-
8 ernmental agency.

9 (m) "Paramedic" means that term as defined in section 20908
10 of the public health code, being section 333.20908 of the
11 Michigan Compiled Laws.

12 (n) "Physician" means an individual licensed to engage in
13 the practice of medicine or the practice of osteopathic medicine
14 and surgery pursuant to article 15 of the public health code,
15 being sections 333.16101 to 333.18838 of the Michigan Compiled
16 Laws.

17 (o) "Patient advocate" means an individual designated to
18 make medical treatment decisions for a patient under section 496
19 of the revised probate code, Act No. 642 of the Public Acts of
20 1978, being section 700.496 of the Michigan Compiled Laws.

21 (p) "Public health code" means Act No. 368 of the Public
22 Acts of 1978, being sections 333.1101 to 333.25211 of the
23 Michigan Compiled Laws.

24 (q) "Vital sign" means a pulse or evidence of respiration.

25 Sec. 3. (1) Subject to section 5, an individual who is 18
26 years of age or older and of sound mind may execute a
27 do-not-resuscitate order on his or her own behalf. A patient

1 advocate of an individual who is 18 years of age or older may
2 execute a do-not-resuscitate order on behalf of that individual.

3 (2) An order executed under this section shall be on a form
4 described in section 4. The order shall be dated and executed
5 voluntarily and signed by each of the following persons:

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

9 (b) The declarant's attending physician.

10 (c) Two witnesses 18 years of age or older, at least 1 of
11 whom is not the declarant's spouse, parent, child, grandchild,
12 sibling, or presumptive heir.

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

18 (4) At the time an order is signed and witnessed, the
19 attending physician shall apply an identification bracelet to the
20 declarant's wrist, unless the declarant or other person described
21 in subsection (2)(a) specifically declines the identification
22 bracelet.

23 (5) A declarant who executes an order under this section
24 shall maintain possession of the order and shall have the order
25 accessible within his or her place of residence.

1 Sec. 4. A do-not-resuscitate order executed under section 3
2 shall include, but is not limited to, the following language, and
3 shall be in substantially the following form:

4 **"DO-NOT-RESUSCITATE ORDER**

5 I have discussed my health status with my physician,
6 _____ . I request that in the event my heart and
7 breathing should stop, no person shall attempt to resuscitate
8 me.

9 This order is effective until it is revoked by me.

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

12 _____
13 (Declarant's signature) (Date)

14 _____
15 (Type or print declarant's full name)

16 _____
17 (Signature of person who signed for (Date)
18 declarant, if applicable)

19 _____
20 (Type or print full name)

21 _____
22 (Physician's signature) (Date)

23 _____
24 (Type or print physician's full name)

25 **ATTESTATION OF WITNESSES**

26 The individual who has executed this order appears to be of
27 sound mind, and under no duress, fraud, or undue influence. Upon
28 executing this order, the individual has (has not) received an
29 identification bracelet.

30 _____
31 (Witness signature) (Date) (Witness signature) (Date)

1 _____
2 (Type or print witness's name) (Type or print witness's name)

3 THIS FORM WAS PREPARED PURSUANT TO, AND IS IN COMPLIANCE WITH,
4 THE MICHIGAN DO-NOT-RESUSCITATE PROCEDURE ACT."

5 Sec. 5. (1) An individual who is 18 years of age or older,
6 of sound mind, and an adherent of a church or religious denomina-
7 tion whose members depend upon spiritual means through prayer
8 alone for healing, may execute a do-not-resuscitate order on his
9 or her own behalf. A patient advocate of an individual who is 18
10 years of age or older and an adherent of a church or religious
11 denomination whose members depend upon spiritual means through
12 prayer alone for healing may execute a do-not-resuscitate order
13 on behalf of that individual.

14 (2) An order executed under this section shall be on a form
15 described in section 6. The order shall be dated and executed
16 voluntarily and signed by each of the following persons:

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

20 (b) Two witnesses 18 years of age or older, at least 1 of
21 whom is not the declarant's spouse, parent, child, grandchild,
22 sibling, or presumptive heir.

23 (3) The name of each witness shall be printed or typed below
24 the corresponding signatures. A witness shall not sign an order
25 unless the declarant appears to the witness to be of sound mind
26 and under no duress, fraud, or undue influence.

27 (4) At the time an order is signed and witnessed, the
28 declarant or other person described in subsection (2)(a) shall

1 apply an identification bracelet to the declarant's wrist, unless
2 the declarant or other person described in subsection (2)(a) spe-
3 cifically declines the identification bracelet.

4 (5) A declarant who executes an order under this section
5 shall maintain possession of the order and shall have the order
6 accessible within his or her place of residence.

7 Sec. 6. A do-not-resuscitate order executed under section 5
8 shall include, but is not limited to, the following language, and
9 shall be in substantially the following form:

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

11 I request that in the event my heart and breathing should
12 stop, no person shall attempt to resuscitate me.

13 This order is effective until it is revoked by me.

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

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

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

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

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

28 **ATTESTATION OF WITNESSES**

29 The individual who has executed this order appears to be of
30 sound mind, and under no duress, fraud, or undue influence. Upon
31 executing this order, the individual has (has not) received an
32 identification bracelet.

1 _____
2 (Witness signature) (Date) (Witness signature) (Date)

3 _____
4 (Type or print witness's name) (Type or print witness's name)

5 THIS FORM WAS PREPARED PURSUANT TO, AND IS IN COMPLIANCE WITH,
6 THE MICHIGAN DO-NOT-RESUSCITATE PROCEDURE ACT."

7 Sec. 7. The department shall provide upon request to physi-
8 cians and to individuals described in section 5(1)
9 do-not-resuscitate identification bracelets that possess features
10 so as to be clearly recognizable as do-not-resuscitate identifi-
11 cation bracelets. The department may contract with a public or
12 private entity for the production and distribution of the
13 do-not-resuscitate identification bracelets.

14 Sec. 8. An attending physician who signs a declarant's
15 do-not-resuscitate order under section 3 shall immediately make a
16 copy or obtain from the declarant a duplicate of the executed
17 order and make that copy or duplicate part of the declarant's
18 permanent medical record.

19 Sec. 9. If a person interested in the welfare of the
20 declarant has reason to believe that an order has been executed
21 contrary to the wishes of the declarant, the person may petition
22 the probate court to have the order and the conditions of its
23 execution reviewed.

24 Sec. 10. (1) A declarant or a patient advocate who executes
25 an order on behalf of a declarant may revoke an order at any time
26 and in any manner by which he or she is able to communicate an
27 intent to revoke the order. If the revocation is not in writing,
28 a person who observes the revocation shall describe the

1 circumstances of the revocation in writing and sign the writing.
2 Upon revocation, the declarant, patient advocate, or attending
3 physician shall destroy the order and remove the declarant's
4 do-not-resuscitate identification bracelet, if the declarant is
5 wearing a do-not-resuscitate identification 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 permanent medical record.

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

14 Sec. 11. (1) One or more of the following health profes-
15 sionals who arrive at a declarant's location outside of a hospi-
16 tal, a nursing home, or a facility owned or operated by the
17 department of mental health shall determine whether the declarant
18 has 1 or more vital signs, whether or not the health professional
19 views or is provided with an order described in section 3 or 5
20 that is alleged to have been signed by the declarant or other
21 person authorized to execute an order:

22 (a) A paramedic.

23 (b) An emergency medical technician.

24 (c) An emergency medical technician specialist.

25 (d) A physician.

26 (e) A nurse.

1 (f) A medical first responder.

2 (g) A respiratory care practitioner.

3 (2) If the health professional determines under
4 subsection (1) that the declarant has no vital signs, and if the
5 health professional determines that the declarant is wearing a
6 do-not-resuscitate identification bracelet or is provided with a
7 do-not-resuscitate order for the declarant, he or she shall not
8 attempt to resuscitate the declarant.

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

12 Sec. 13. A person or organization is not subject to civil
13 or criminal liability for either of the following:

14 (a) Attempting to resuscitate an individual who has executed
15 a do-not-resuscitate order, if the person or organization has no
16 actual notice of the order.

17 (b) Failing to resuscitate an individual who has revoked a
18 do-not-resuscitate order or on whose behalf a do-not-resuscitate
19 order has been revoked, if the person or organization does not
20 receive actual notice of the revocation.

21 Sec. 14. A person or organization shall not require the
22 execution of an order described in section 3 or 5 as a condition
23 for insurance coverage, admittance to a health care facility,
24 receiving health care benefits or services, or any other reason.

25 Sec. 15. A life insurer shall not do any of the following
26 because of the execution or implementation of an order:

1 (a) Refuse to provide or continue coverage to the
2 declarant.

3 (b) Charge the declarant a higher premium.

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

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

8 (e) Invoke any suicide or intentional death exemption or
9 exclusion in a policy covering the declarant.

10 Sec. 16. (1) The provisions of this act are cumulative and
11 do not impair or supersede a legal right that an individual may
12 have to consent to or refuse medical treatment for himself or
13 herself or that a parent, guardian, or other individual may have
14 to consent to or refuse medical treatment on behalf of another.

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

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