



HOUSE BILL No. 5437

March 23, 1994 Introduced by Reps Rivers Dolan Schroer Gilmer Dalman Bender, Pitoniak Agee Dobronski Gubow Jondahl Wallace Byrum and Stallworth and referred to the Committee on Judiciary

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) Attending physician means the physician who has pri-
5 mary responsibility for the treatment and care of a declarant

6 (b) Declarant means a person who has executed a
7 do-not-resuscitate order pursuant to section 3

1 (c) Department means the department of public health

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

6 (e) Do-not-resuscitate identification bracelet means a
7 hospital-type wrist bracelet issued by the department to be worn
8 by the patient while a do-not-resuscitate order is in effect

9 (f) Emergency medical technician means that term as
10 defined in section 20904 of the public health code Act No 368
11 of the Public Acts of 1978 being section 333 20904 of the
12 Michigan Compiled Laws

13 (g) Emergency medical technician specialist means that
14 term as defined in section 20904 of Act No 368 of the Public
15 Acts of 1978

16 (h) Health facility or agency means that term as defined
17 in section 20106 of Act No 368 of the Public Acts of 1978 being
18 section 333 20106 of the Michigan Compiled Laws

19 (i) Medical first responder means a person defined in
20 section 20906 of Act No 368 of the Public Acts of 1978 being
21 section 333 20906 of the Michigan Compiled Laws

22 (j) Nurse means a licensed practical nurse or a registered
23 professional nurse as defined in part 172 of Act No 368 of the
24 Public Acts of 1978 being sections 333 17201 to 333 17242 of the
25 Michigan Compiled Laws

26 (k) Order means a do-not-resuscitate order

1 (l) Organization means a company corporation, firm
2 partnership association trust or governmental agency

3 (m) Paramedic means that term as defined in section 20908
4 of Act No 368 of the Public Acts of 1978, being
5 section 333 20908 of the Michigan Compiled Laws

6 (n) Physician means a person licensed to engage in the
7 practice of medicine or the practice of osteopathic medicine and
8 surgery pursuant to article 15 of Act No 368 of the Public Acts
9 of 1978 being sections 333 16101 to 333 18838 of the Michigan
10 Compiled Laws

11 (o) Terminally ill means a state in which an incurable and
12 irreversible disease or condition will in the opinion of the
13 attending physician based on current medical practices likely
14 result in death within 6 months even if the person with the dis-
15 ease or condition receives medical treatment

16 (p) Vital sign means a pulse or evidence of respiration

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

20 (2) The order shall be on a form distributed by the depart-
21 ment and shall be dated and executed voluntarily The order
22 shall be signed by each of the following persons

23 (a) The declarant or another person who at the time or the
24 signing is in the presence of the declarant and acting pursuant
25 to the directions of the declarant

26 (b) The declarant s attending physician

1 (c) Two witnesses 18 years of age or older who are not any
2 of the following

3 (i) The declarant's spouse parent child grandchild sib-
4 ling or presumptive heir

5 (ii) An employee of a health facility or agency that is
6 treating the declarant or at which the declarant resides

7 (3) The names of the attending physician and each witness
8 shall be printed or typed below the corresponding signatures A
9 witness shall not sign an order unless the declarant appears to
10 the witness to be of sound mind and under no duress fraud or
11 undue influence

12 (4) At the time an order is signed and witnessed the
13 attending physician shall apply an identification bracelet to the
14 declarant's wrist

15 (5) A declarant who executes an order shall maintain posses-
16 sion of the order and shall have the order accessible within his
17 or her place of residence

18 Sec 4 The department shall provide a standard form to
19 serve as a do-not-resuscitate order The order shall read sub-
20 stantially as follows

21 **DO-NOT-RESUSCITATE ORDER**

22 I _____ have been diagnosed as having a terminal
23 illness I have discussed both the prognosis of this illness and
24 the treatment options with my physician _____
25 Based on this information I request that in the event my heart
26 and breathing should stop no person shall attempt to resuscitate
27 me

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

7 Unless revoked by me this order is effective for 6 months
 8 from the date of my signature It will remain in effect if
 9 reviewed and initialed by me and by my physician not less often
 10 than every 6 months

11 Being of sound mind I voluntarily execute this order and I
 12 understand its full import

13 _____
 14 (Declarant s signature) (Date)

15 _____
 16 (Type or print declarant s full name)

17 _____
 18 _____
 19 (Signature of person who signed for (Date)
 20 declarant if applicable)

21 _____
 22 _____
 23 (Type or print full name)

24 _____
 25 _____
 26 (Physician s signature) (Date)

27 _____
 28 (Type or print physician s full name)

29 ATTESTATION OF WITNESSES

30 The individual who has executed this order appears to be of
 31 sound mind and under no duress fraud or undue influence Upon
 32 executing this order the individual has received an
 33 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 Sec 5 The department shall provide do-not-resuscitate
 6 identification bracelets to physicians The bracelets shall pos-
 7 sess features so as to be clearly recognizable as
 8 do-not-resuscitate identification bracelets

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

17 Sec 7 If a person interested in the welfare of the
 18 declarant has reason to believe that an order has been executed
 19 contrary to the wishes of the declarant the person may petition
 20 the probate court to have the order and the conditions of its
 21 execution reviewed

22 Sec 8 (1) A declarant may revoke an order at any time and
 23 in any manner by which he or she is able to communicate an intent
 24 to revoke the order If the revocation is not in writing a
 25 person who observes the revocation shall describe the circum-
 26 stances of the revocation in writing and sign the writing Upon
 27 revocation the declarant or attending physician shall destroy

1 the order and remove the do-not-resuscitate identification
2 bracelet

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

8 (3) A declarant s revocation of an order is binding upon
9 another person at the time that other person receives actual
10 notice of the revocation

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

15 (a) A paramedic

16 (b) An emergency medical technician

17 (c) An emergency medical technician specialist

18 (d) A physician

19 (e) A nurse

20 (f) A peace officer

21 (g) A fire fighter

22 (h) A first responder

23 (i) A respiratory care practitioner

24 (j) An individual employed by an ambulance operation or an
25 advanced or limited advanced mobile emergency care service

26 (2) If the declarant has no vital signs the person listed
27 in subsection (1) shall determine whether the declarant is

1 wearing a do-not-resuscitate identification bracelet and verify
2 that the name on the order is the same as the name on the
3 bracelet

4 (3) If the declarant is wearing a bracelet and the names on
5 the order and the bracelet are the same the person listed in
6 subsection (1) shall not attempt to resuscitate the declarant

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

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

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

18 Sec 13 A life insurer shall not do any of the following
19 because of the execution or implementation of an order

20 (a) Refuse to provide or continue coverage to the
21 declarant

22 (b) Charge the declarant a higher premium

23 (c) Offer a declarant different policy terms because the
24 declarant has executed an order

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

1 (e) Invoke any suicide or intentional death exemption or
2 exclusion in any policy covering the declarant

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

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

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