By: Senator(s) Burton   To: Public Health and
                                              Welfare

SENATE BILL NO. 2403

1   AN ACT ENTITLED THE "MISSISSIPPI EMERGENCY MEDICAL SERVICES
2 DO NOT RESUSCITATE ORDER-BRACELET ACT"; TO PROVIDE DEFINITIONS; TO
3 AUTHORIZE A TERMINAL PATIENT TO REQUEST HEALTH CARE PROVIDERS TO
4 EXECUTE A "DO NOT RESUSCITATE ORDER FOR EMERGENCY SERVICES" AND TO
5 PRESCRIBE CONDITIONS THEREON; TO PROVIDE FOR A "DO NOT
6 RESUSCITATE" BRACELET; TO ALLOW A PARENT OR LEGAL GUARDIAN OF A
7 PATIENT WHO IS A CHILD TO REQUEST AND REVOKE A "DO NOT
8 RESUSCITATE" ORDER FOR EMERGENCY SERVICES FOR THE CHILD; TO
9 PRESCRIBE THE DUTIES OF EMERGENCY MEDICAL SERVICES PERSONNEL WHEN
10 PRESENTED WITH "DO NOT RESUSCITATE ORDERS"; TO PRESCRIBE THE
11 REQUIRED FORM FOR THE ORDER; TO PROVIDE IMMUNITY FROM LIABILITY OF
12 A HEALTH CARE PROVIDER OR EMERGENCY MEDICAL PERSONNEL REGARDING
13 THE "DO NOT RESUSCITATE ORDER"; TO REQUIRE FULL RESUSCITATIVE
14 MEASURES IN ABSENCE OF THE ORDER OR BRACELET; AND FOR RELATED
15 PURPOSES.

16   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

17   **SECTION 1. Short title.** This act may be cited as the

18 "Mississippi Emergency Medical Services Do Not Resuscitate

19 Order-Bracelet Act."

20   **SECTION 2. Definitions.** As used in this act:

21   (a) "Child" means a person under the age of eighteen

22 (18).

23   (b) "Do not resuscitate bracelet" or "bracelet" means a

24 standardized identification bracelet that:

25   (i) Meets the specifications established under

26   Section 3 of this act or that is approved by the State Department

27   of Education under Section 3 of this act;

28   (ii) Bears the inscription "Do Not Resuscitate";

29   and

30   (iii) Signifies that the wearer is a patient who

31   has obtained a do not resuscitate order which has not been

32   revoked.

33   (c) "Do not resuscitate order for emergency services"

34   means a document made pursuant to this act to prevent EMS

35   personnel from employing resuscitative measures or any other

36   medical process that would only extend the patient's suffering

37   with no viable medical reason to perform the procedure.

38   (d) "EMS personnel" means emergency medical personnel

39   certified by the State Department of Health, including first

40   responders who have completed a State Department of Health

41   approved medical first responder program.

42   (e) "Health care provider" means a person licensed to

43   practice medicine or osteopathy pursuant to Section 73-25-1 et

44   seq.

45   (f) "Palliative treatment" means the degree of

46   treatment which must be provided to a patient in the routine

47   delivery of emergency medical services, which assures the comfort

48   and alleviation of pain and suffering to all extents possible,

49 regardless of whether the patient has executed a document as
50 provided for in this act.

51   (g) "Resuscitative treatment" means artificial
52 stimulation of the cardiopulmonary systems of the human body,
53 through either electrical, mechanical, or manual means including,
54 but not limited to, cardiopulmonary resuscitation.

55   (h) "Terminal condition" means an incurable or
56 irreversible condition that within reasonable medical judgment
57 could cause death within a reasonably short period of time if life
58 sustaining procedures are not used.

59   **SECTION 3.** **Terminal patient may request health care provider**
60 **to execute "do not resuscitate order for emergency services";**
61 **conditions; do not resuscitate bracelet.** (1) An adult, married
62 minor, or judicially emancipated minor patient who has a terminal
63 condition, a surrogate for a patient with a terminal condition
64 under the Adult Health Care Decisions Act, or an agent of a person
65 with a terminal condition named by the patient in a Health Care
66 Power of Attorney, or a parent or legal guardian of a patient who
67 is a child with a terminal condition who is neither married nor
68 judicially emancipated, may request a health care provider
69 responsible for the care of the patient to execute a "do not
70 resuscitate order for emergency services" if the:

71   (a) Patient has a terminal condition; and

72   (b) Terminal condition has been diagnosed by a health
73 care provider and the health care provider's record establishes

S. B. No. 2403 ||||||||||||||||||||||| **~ OFFICIAL ~**
18/SS26/R67
PAGE 3 (tb\rc)

74 the time, date, and medical condition which gives rise to the

75 diagnosis of a terminal condition.

76   (2) The health care provider who executes the do not

77 resuscitate order shall make the order in writing on a form

78 conforming to the requirements of Section 3 of this act, and

79 either shall:

80   (a) Affix to the wrist of the patient a do not

81 resuscitate bracelet that meets the specifications established

82 under Section 3 of this act; or

83   (b) Provide the patient or his surrogate or agent, or

84 the parent or legal guardian of a patient who is a child, with an

85 order form, from a commercial vendor approved by the department

86 pursuant to Section 3 of this act, to allow the patient to order a

87 do not resuscitate bracelet from the commercial vendor.

88   **SECTION 4. Duties of EMS personnel when presented with "do**

89 **not resuscitate order."** When called to render emergency medical

90 services, EMS personnel must not use any resuscitative treatment

91 if the patient has a "do not resuscitate order for emergency

92 services" and the document is presented to the EMS personnel upon

93 their arrival or if the patient is wearing a do not resuscitate

94 bracelet. EMS personnel must provide that degree of palliative

95 care called for under the circumstances which exist at the time

96 treatment is rendered.

97   **SECTION 5. Required form for "do not resuscitate order";**

98 **revocation procedure; do not resuscitate bracelet.** (1) A

99 document purporting to be a "do not resuscitate order" for EMS

100 purposes must be in substantially the following form:

101   NOTICE TO EMS PERSONNEL

102   This notice is to inform all emergency medical personnel who

103 may be called to render assistance to _____ he/she

104 has a terminal condition which has been diagnosed by me and has

105 specifically requested that no resuscitative efforts including

106 artificial stimulation of the cardiopulmonary system by

107 electrical, mechanical, or manual means be made in the event of

108 cardiopulmonary arrest.

109   REVOCATION PROCEDURE

110   THIS FORM MAY BE REVOKED BY AN ORAL STATEMENT BY THE PATIENT,

111 OR THE PARENT OR LEGAL GUARDIAN OF A PATIENT WHO IS A CHILD, TO

112 EMS PERSONNEL OR BY MUTILATING, OBLITERATING, OR DESTROYING THE

113 DOCUMENT IN ANY MANNER.

114   Date:_____

115   _____

116   Patient's signature (or surrogate or agent)

117   _____

118   Physician's signature

119   _____

120   Physician's address

121   _____

122   Physician's telephone number

123   (2) The State Department of Health may approve a do not
124 resuscitate bracelet developed and distributed by a commercial
125 vendor if the bracelet contains an emblem that displays an
126 internationally recognized medical symbol on the front and the
127 words "Mississippi Do Not Resuscitate EMS" and the patient's first
128 name and last name on the back. The department may not approve a
129 do not resuscitate bracelet developed and distributed by a
130 commercial vendor if the vendor does not require a health care
131 provider's order for the bracelet before distributing it to a
132 patient.

133   (3) The cost of obtaining a bracelet must be borne by the
134 patient, or the parent or legal guardian of a patient who is a
135 child, and may not be provided by the department at the expense of
136 the department.

137   (4) The vendor approved by the department shall not fulfill
138 a request for a do not resuscitate bracelet without receiving a
139 health care provider's order for the bracelet with the request.

140   **SECTION 6.** **Liability of health care provider or EMS**
141 **personnel regarding "do not resuscitate order."** No health care
142 provider or EMS personnel is liable for damages, may be the
143 subject of disciplinary proceedings, or may be subject to civil or
144 criminal liability due to:

145   (a) Issuing a "do not resuscitate order for emergency
146 medical services" or a "do not resuscitate bracelet";

147   (b) Good faith reliance on a "do not resuscitate order

148 for emergency medical services" or a "do not resuscitate bracelet"

149 resulting in:

150   (i) The withholding of resuscitative treatment; or

151   (ii) The withholding of resuscitative treatment

152 already in progress once a duly executed "do not resuscitate order

153 for emergency medical services" is identified;

154   (c) Initiating resuscitative treatment on a "do not

155 resuscitate patient" if EMS personnel were unaware of the

156 existence of the order or bracelet or if EMS personnel reasonably

157 and in good faith believed the "do not resuscitate order" had been

158 cancelled or revoked or, where applicable, if the do not

159 resuscitate bracelet has been tampered with or removed; or

160   (d) Initiating resuscitative treatment on a "do not

161 resuscitate patient" where in the best medical judgment of EMS

162 personnel, the care was necessary to relieve pain or suffering or

163 to provide comfort care to the patient.

164   **SECTION 7.** **Full resuscitative measures required in absence**

165 **of order or bracelet.** In the absence of a "do not resuscitate

166 order for emergency medical services" or a "do not resuscitate

167 bracelet," EMS personnel shall give full resuscitative measures as

168 are medically indicated in all cases.

169   **SECTION 8.** **Health care provider or EMS personnel must honor**

170 **order or bracelet; exceptions; transfer care of patient.** A health

171 care provider and an EMS personnel shall follow the request of the

S. B. No. 2403 ||||||||||||||||||||||||| **~ OFFICIAL ~**
18/SS26/R67
PAGE 7 (tb\rc)

172 patient, or the parent or legal guardian of a patient who is a

173 child, and must not provide resuscitative measures when the

174 patient has a "do not resuscitate order for emergency medical

175 services" or is wearing a "do not resuscitate bracelet," except

176 where the:

177   (a) Order is revoked pursuant to Section 10 of this

178 act; or

179   (b) Bracelet, when applicable, appears to have been

180 tampered with or removed.

181   **SECTION 9.** **Act not condonation of mercy killing; minors**

182 **ineligible for "do not resuscitate orders"; compliance with act**

183 **not suicide.** (1) Nothing in this act may be construed to

184 condone, authorize, or approve mercy killing or euthanasia or to

185 permit any affirmative action or deliberate act to end life other

186 than to allow the natural process of dying.

187   (2) The withholding of resuscitative measures pursuant to

188 this act does not constitute suicide for any purpose.

189   **SECTION 10.** **Means of revocation of "do not resuscitate order**

190 **for emergency services."** A patient, or a parent or legal guardian

191 of a patient who is a child, may revoke a "do not resuscitate

192 order for emergency services" by:

193   (a) Mutilating, obliterating, or destroying the "do not

194 resuscitate order for emergency medical services" document in any

195 manner;

S. B. No. 2403 ||||||||||||||||||||||||||||| **~ OFFICIAL ~**
18/SS26/R67
PAGE 8 (tb\rc)

196   (b) Orally expressing to an emergency medical
197 technician, first responder, or to a person who serves as a member
198 of an emergency health care facility's personnel, the desire to be
199 resuscitated, after which the emergency medical technician, first
200 responder, or the member of the emergency health care facility
201 shall disregard the "do not resuscitate order for emergency
202 medical services" document and, if applicable, promptly remove the
203 bracelet;

204   (c) Defacing, burning, cutting, or otherwise destroying
205 the bracelet, if applicable; or

206   (d) Removing the bracelet or asking another person to
207 remove the bracelet.

208 **SECTION 11.** **Regulations to provide direction to emergency**
209 **personnel in identifying patients having "do not resuscitate**
210 **orders."** The Mississippi State Department of Health shall
211 promulgate regulations necessary to provide direction to emergency
212 personnel in identifying patients who have a "do not resuscitate
213 order for emergency services."

214 **SECTION 12.** This act shall take effect and be in force from
215 and after July 1, 2018.

S. B. No. 2403   **~ OFFICIAL ~**
18/SS26/R67   ST: "Emergency Medical Services Do Not
PAGE 9 (tb\rc)   Resuscitate Order-Bracelet Act"; enact.