

H.874

An act relating to consent for admission to hospice care and for  
DNR/COLST orders

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 18 V.S.A. § 9710 is added to read:

§ 9710. CONSENT FOR HOSPICE CARE

(a) A family member of a patient or a person with a known close relationship to the patient may elect hospice care on behalf of the patient if the patient does not have an agent or guardian or the patient's agent or guardian, or both, if applicable, are unavailable. Decisions made by the family member or person with a known close relationship shall protect the patient's own wishes in the same manner as decisions made by an agent as described in subsection 9711(d) of this title.

(b) As used in this section, "hospice care" means a program of care and support provided by a Medicare-certified hospice provider to help an individual with a terminal condition to live comfortably by providing palliative care, including effective pain and symptom management. Hospice care may include services provided by an interdisciplinary team that are intended to address the physical, emotional, psychosocial, and spiritual needs of the individual and his or her family.

Sec. 2. 18 V.S.A. § 9708(f) is amended to read:

(f) The Department of Health shall adopt by rule no later than July 1, ~~2014~~ 2016, criteria for individuals who are not the patient, agent, or guardian, but who are giving informed consent for a DNR/COLST order. The rules shall include the following:

(1) other individuals permitted to give informed consent for a DNR/COLST order who shall be a family member of the patient or a person with a known close relationship to the patient;

(2) parameters for how decisions should be made, which shall include at a minimum the protection of a patient's own wishes in the same manner as in section 9711 of this title; and

(3) access to a hospital's internal ethics protocols for use when there is a disagreement over the appropriate person to give informed consent.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.