

1 Introduced by Committee on Human Services

2 Date:

3 Subject: Health; health care decisions; hospice care; DNR; COLST

4 Statement of purpose of bill as introduced: This bill proposes to allow a
5 patient's family member or person with a known close relationship to a patient
6 to consent to admission to hospice care on behalf of a patient with no available
7 agent or guardian. It would repeal provisions allowing persons other than a
8 patient, agent, or guardian to provide informed consent for a DNR/COLST
9 order and directing the Department of Health to adopt related criteria by rule.

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

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

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

14 § 9710. CONSENT FOR HOSPICE CARE

15 (a) A family member of a patient or a person with a known close
16 relationship to the patient may elect hospice care on behalf of the patient if the
17 patient does not have an agent or guardian or the patient's agent or guardian, or
18 both, if applicable, are unavailable. Decisions made by the family member or
19 person with a known close relationship shall protect the patient's own wishes

1 in the same manner as decisions made by an agent as described in subsection
2 9711(d) of this title.

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

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

11 (f) The Department of Health shall adopt by rule no later than July 1, 2014
12 2016, criteria for individuals who are not the patient, agent, or guardian, but
13 who are giving informed consent for a DNR/COLST order. The rules shall
14 include the following:

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

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

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

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4 Sec. 3. EFFECTIVE DATE

5 This act shall take effect on passage.