

DR 14-817 - Hospice consent bill - Rep. Donahue amendment

Strike out Secs. 2 and 3, replace with the following:

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

§ 9708. ~~AUTHORITY AND OBLIGATIONS OF HEALTH CARE PROVIDERS,
HEALTH CARE FACILITIES, AND RESIDENTIAL CARE FACILITIES
REGARDING DO-NOT-RESUSCITATE ORDERS AND CLINICIAN
ORDERS FOR LIFE SUSTAINING TREATMENT~~

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(d) A DNR order must:

- (1) be signed by the patient's clinician;
- (2) certify that the clinician has consulted, or made an effort to consult, with the patient, and the patient's agent or guardian, if there is an appointed agent or guardian;
- (3) include either:
 - (A) the name of the patient, agent, or guardian, ~~or other individual~~ giving informed consent for the DNR and the individual's relationship to the patient; or
 - (B) certification that the patient's clinician and one other named clinician have determined that resuscitation would not prevent the imminent death of the patient, should the patient experience cardiopulmonary arrest; and
- (4) if the patient is in a health care facility or a residential care facility, certify that the requirements of the facility's DNR protocol required by section 9709 of this title have been met.

(e) A COLST must:

- (1) be signed by the patient's clinician; and

(2) include the name of the patient, agent, or guardian, ~~or other individual~~ giving informed consent for the COLST and the individual's relationship to the patient.

(f) ~~The Department of Health shall adopt by rule no later than July 1, 2014, 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. [Repealed.]~~

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Sec. 3. EFFECTIVE DATE

This act shall take effect on passage, except that the amendments to 18 V.S.A. § 9708(d) and (e) shall take effect on July 1, 2016.