

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Human Services to which was referred House Bill No.  
3 690 entitled “An act relating to explanation of advance directives and treating  
4 clinicians who may sign a DNR/COLST” respectfully reports that it has  
5 considered the same and recommends that the bill be amended by striking out  
6 all after the enacting clause and inserting in lieu thereof the following:

7 Sec. 1. 18 V.S.A. § 9701 is amended to read:

8 § 9701. DEFINITIONS

9 As used in this chapter:

10 \* \* \*

11 (21) “Ombudsman” means:

12 ~~(A) an individual appointed as a long term care ombudsman under~~  
13 ~~the program contracted through the Department of Disabilities, Aging, and~~  
14 ~~Independent Living pursuant to the Older Americans Act of 1965, as amended~~  
15 ~~the State Long-Term Care Ombudsman or a representative of the~~  
16 ~~Ombudsman’s Office, as defined in 33 V.S.A. § 7501; or~~

17 (B) a representative of the agency designated as the Office of the  
18 Mental Health Care Ombudsman pursuant to section 7259 of this title.

19 \* \* \*

20 (34) ~~“Patient~~ Mental health patient representative” means the mental  
21 health patient representative established by section 7253 of this title.

1 Sec. 2. 18 V.S.A. § 9703 is amended to read:

2 § 9703. FORM AND EXECUTION

3 \* \* \*

4 (b) The advance directive shall be dated, executed by the principal or by  
5 another individual in the principal's presence at the principal's express  
6 direction if the principal is physically unable to do so, and signed in the  
7 presence of two or more witnesses at least 18 years of age, who shall sign and  
8 affirm that the principal appeared to understand the nature of the document and  
9 to be free from duress or undue influence at the time the advance directive was  
10 signed. A health care provider may serve as a witness to the principal's  
11 execution of the advance directive under this subsection. If the principal is  
12 being admitted to or is a resident of a nursing home or residential care facility  
13 or is being admitted to or is a patient in a hospital at the time of execution, the  
14 individual who explained the nature and effect of the advance directive to the  
15 principal pursuant to subsection (d) or (e) of this section may also serve as one  
16 of the witnesses to the principal's execution of the advance directive under this  
17 subsection.

18 \* \* \*

19 (d)(1) An advance directive shall not be effective if, at the time of  
20 execution, the principal is being admitted to or is a resident of a nursing home  
21 as defined in 33 V.S.A. § 7102 or a residential care facility, unless an

1 ~~ombudsman, a patient representative, a recognized member of the clergy, an~~  
2 ~~attorney licensed to practice in this State, or a Probate Division of the Superior~~  
3 ~~Court designee~~ one of the following individuals explains the nature and effect  
4 of an advance directive to the principal and signs a statement affirming that he  
5 or she has explained the nature and effect of the advance directive to the  
6 principal provided the explanation:

7 (A) an ombudsman;

8 (B) a recognized member of the clergy;

9 (C) an attorney licensed to practice in this State;

10 (D) a Probate Division of the Superior Court designee;

11 (E) an individual designated by a hospital pursuant to subsection  
12 9709(d) of this title;

13 (F) a mental health patient representative;

14 (G) an individual who is volunteering at the nursing home or  
15 residential care facility without compensation and has received appropriate  
16 training regarding the explanation of advance directives; or

17 (H) the principal's primary care clinician, if the clinician is not  
18 employed by the nursing home or residential care facility at the time of the  
19 explanation.





1       Sec. 5. EFFECTIVE DATE

2           This act shall take effect on passage.

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5           (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

7

Representative \_\_\_\_\_

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FOR THE COMMITTEE