

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 ~~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. 3. 18 V.S.A. § 9708 is amended to read:

2 § 9708. AUTHORITY AND OBLIGATIONS OF HEALTH CARE

3 PROVIDERS, HEALTH CARE FACILITIES, AND RESIDENTIAL
4 CARE FACILITIES REGARDING DNR ORDERS AND COLST

5 (a) As used in this section, “clinician” shall have the same meaning as in
6 section 9701 of this title and shall also include a duly licensed medical doctor,
7 osteopathic physician, advanced practice registered nurse or nurse practitioner,
8 or physician assistant who treated the patient outside Vermont and held a valid
9 license to practice in the state in which the patient was located at the time the
10 DNR/COLST was issued.

11 * * *

12 Sec. 4. 18 V.S.A. § 9709(d) is amended to read:

13 (d)(1) Each nursing home and residential care facility that chooses to use
14 volunteers to explain to residents the nature and effect of an advance directive
15 as required by subsection 9703(d) of this title shall ensure that the volunteers
16 have received appropriate training regarding the explanation of advance
17 directives.

18 (2) Every hospital shall designate an adequate number of individuals to
19 explain the nature and effect of an advance directive to patients as required by
20 subsection 9703(e) of this title.

1 Sec. 5. EFFECTIVE DATE

2 This act shall take effect on passage.

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5 (Committee vote: _____)

6

7

Representative _____

8

FOR THE COMMITTEE