

By: Hughes

H.B. No. 3657

A BILL TO BE ENTITLED

AN ACT

relating to the protocol for certain do not resuscitate orders.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 166.101(a), Health and Safety Code, is amended to read as follows:

(a) The board shall, on the recommendation of the department, adopt all reasonable and necessary rules to carry out the purposes of this subchapter, including rules:

(1) adopting a statewide out-of-hospital DNR order protocol that sets out standard procedures for the withholding of cardiopulmonary resuscitation and certain other life-sustaining treatment by health care professionals acting in out-of-hospital settings and includes the alternatives described in Section 166.082;

(2) designating life-sustaining treatment that may be included in an out-of-hospital DNR order, including all procedures listed in Sections 166.081(6)(A)(i) through (v);

(3) explicitly specifying that an out-of-hospital DNR order may be issued by a physician only in compliance with a directive or instruction issued in accordance with the alternatives described in Section 166.082;

(4) explicitly specifying that DNR orders applicable in hospitals may be issued only in compliance with:

(A) the directions of the patient if competent;

1 (B) the directions in an advance directive in
2 accordance with Section 166.005 or 166.032;

3 (C) the directions of the patient's legal
4 guardian or agent under a medical power of attorney;

5 (D) a treatment decision in accordance with
6 Section 166.039; or

7 (E) a reasonable medical judgment by the
8 attending physician that the patient's death is imminent within
9 minutes or hours even if cardiopulmonary resuscitation is provided;

10 and

11 (5) [~~3~~] governing recordkeeping in circumstances in
12 which an out-of-hospital DNR order or DNR identification device is
13 encountered by responding health care professionals.

14 SECTION 2. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2009.