

By: McClendon

H.B. No. 531

A BILL TO BE ENTITLED

AN ACT

relating to emergency prehospital care.

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

SECTION 1. Section 166.045, Health and Safety Code, is amended by adding Subsection (e) to read as follows:

(e) Emergency medical services personnel who are providing emergency prehospital care to a person are not civilly or criminally liable or subject to disciplinary action for failing to act in accordance with a written directive. For purposes of this subsection, "emergency medical services personnel" and "emergency prehospital care" have the meanings assigned by Section 773.003.

SECTION 2. Section 166.084(d), Health and Safety Code, is amended to read as follows:

(d) An out-of-hospital DNR order issued in the manner provided by this section is valid and, except as provided by Section 166.089(a), shall be honored by responding health care professionals as if executed in the manner provided by Section 166.082.

SECTION 3. The heading to Section 166.089, Health and Safety Code, is amended to read as follows:

Sec. 166.089. COMPLIANCE WITH OUT-OF-HOSPITAL DNR ORDER; CERTAIN EMERGENCY PREHOSPITAL CARE SITUATIONS.

SECTION 4. Section 166.089, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (a-1) to

1 read as follows:

2 (a) Notwithstanding any other section and except as  
3 provided by Subsection (b), emergency medical services personnel  
4 who are providing emergency prehospital care, as that term is  
5 defined by Section 773.003, are not required to review, examine,  
6 interpret, or honor a person's out-of-hospital DNR order.

7 (a-1) When responding to a call for assistance, health care  
8 professionals shall honor an out-of-hospital DNR order in  
9 accordance with the statewide out-of-hospital DNR protocol and,  
10 where applicable, locally adopted out-of-hospital DNR protocols  
11 not in conflict with the statewide protocol if:

12 (1) the responding health care professionals discover  
13 an executed or issued out-of-hospital DNR order form on their  
14 arrival at the scene; and

15 (2) the responding health care professionals comply  
16 with this section.

17 SECTION 5. The heading to Section 166.102, Health and  
18 Safety Code, is amended to read as follows:

19 Sec. 166.102. PHYSICIAN'S DNR ORDER MAY BE HONORED BY  
20 HEALTH CARE PERSONNEL [~~OTHER THAN EMERGENCY MEDICAL SERVICES~~  
21 ~~PERSONNEL~~].

22 SECTION 6. Section 166.102(b), Health and Safety Code, is  
23 amended to read as follows:

24 (b) When responding to a call for emergency prehospital care  
25 [~~assistance~~], as that term is defined by Section 773.003, emergency  
26 medical services personnel may [~~shall~~] honor only a properly  
27 executed or issued out-of-hospital DNR order or prescribed DNR

1 identification device in accordance with this subchapter.

2 SECTION 7. Subchapter A, Chapter 773, Health and Safety  
3 Code, is amended by adding Section 773.016 to read as follows:

4 Sec. 773.016. DUTIES OF EMERGENCY MEDICAL SERVICES  
5 PERSONNEL; CERTAIN EMERGENCY PREHOSPITAL CARE SITUATIONS. (a) In  
6 this section, "cardiopulmonary resuscitation" has the meaning  
7 assigned by Section 166.002.

8 (b) Emergency medical services personnel who are providing  
9 emergency prehospital care to a person are subject to Chapter 166,  
10 including Sections 166.089 and 166.102.

11 (c) A physician who is present while a person is receiving  
12 emergency prehospital care may order the termination of  
13 cardiopulmonary resuscitation if, based on the physician's best  
14 medical judgment, the physician determines that resuscitation  
15 should be discontinued.

16 SECTION 8. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2011.