

1-1 By: McClendon (Senate Sponsor - Deuell) H.B. No. 577
1-2 (In the Senate - Received from the House May 6, 2011;
1-3 May 9, 2011, read first time and referred to Committee on Health
1-4 and Human Services; May 18, 2011, reported favorably by the
1-5 following vote: Yeas 9, Nays 0; May 18, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to emergency prehospital care provided by emergency
1-9 services personnel.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 166.102(b), Health and Safety Code, is
1-12 amended to read as follows:

1-13 (b) When responding to a call for assistance, emergency
1-14 medical services personnel:

1-15 (1) shall honor only a properly executed or issued
1-16 out-of-hospital DNR order or prescribed DNR identification device
1-17 in accordance with this subchapter; and

1-18 (2) have no duty to review, examine, interpret, or
1-19 honor a person's other written directive, including a written
1-20 directive in the form prescribed by Section 166.033.

1-21 SECTION 2. Subchapter A, Chapter 773, Health and Safety
1-22 Code, is amended by adding Section 773.016 to read as follows:

1-23 Sec. 773.016. DUTIES OF EMERGENCY MEDICAL SERVICES
1-24 PERSONNEL; CERTAIN EMERGENCY PREHOSPITAL CARE SITUATIONS. (a) In
1-25 this section, "cardiopulmonary resuscitation" has the meaning
1-26 assigned by Section 166.002.

1-27 (b) Emergency medical services personnel who are providing
1-28 emergency prehospital care to a person are subject to Chapter 166,
1-29 including Section 166.102.

1-30 (c) If a person's personal physician is present and assumes
1-31 responsibility for the care of the person under the applicable
1-32 requirements of Chapter 197, Title 22, Texas Administrative Code,
1-33 while the person is receiving emergency prehospital care, the
1-34 physician may order the termination of cardiopulmonary
1-35 resuscitation only if, based on the physician's professional
1-36 medical judgment, the physician determines that resuscitation
1-37 should be discontinued.

1-38 (d) If a person's personal physician is not present or does
1-39 not assume responsibility for the care of the person while the
1-40 person is receiving emergency prehospital care, the emergency
1-41 medical services system's medical director or online physician:

1-42 (1) shall be responsible for directing the emergency
1-43 medical services personnel who are providing emergency prehospital
1-44 care to the person; and

1-45 (2) may order the termination of cardiopulmonary
1-46 resuscitation only if, based on the medical director's or online
1-47 physician's professional medical judgment, the medical director or
1-48 online physician determines that resuscitation should be
1-49 discontinued.

1-50 SECTION 3. This Act takes effect immediately if it receives
1-51 a vote of two-thirds of all the members elected to each house, as
1-52 provided by Section 39, Article III, Texas Constitution. If this
1-53 Act does not receive the vote necessary for immediate effect, this
1-54 Act takes effect September 1, 2011.

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