

By: Bonnen of Galveston

H.B. No. 43

A BILL TO BE ENTITLED

AN ACT

relating to general procedures and requirements for do-not-resuscitate orders.

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

SECTION 1. Subchapter A, Chapter 166, Health and Safety Code, is amended by adding Section 166.012 to read as follows:

Sec. 166.012. GENERAL PROCEDURES AND REQUIREMENTS FOR DO-NOT-RESUSCITATE ORDERS. (a) In this section, "DNR order" means an order instructing a health care professional not to attempt cardiopulmonary resuscitation or other life-sustaining treatment on a patient whose circulatory or respiratory function ceases.

(b) This section applies to a DNR order used in a health care facility, including a hospital or an assisted living facility, or in hospice settings, including hospice services provided by a home and community support services agency. This section does not apply to an out-of-hospital DNR order as defined by Section 166.081.

(c) A DNR order issued for a patient is valid only if the order:

(1) is issued in compliance with:

(A) the written directions of a patient who was competent at the time the patient wrote the directions;

(B) the oral directions of a competent patient delivered to or observed by two competent adult witnesses, at least one of whom must be a person not listed under Section 166.003(2);

1           (C) the directions in an advance directive  
2 enforceable under Section 166.005 or executed in accordance with  
3 Section 166.032, 166.034, or 166.035;

4           (D) the directions of a patient's legal guardian  
5 or agent under a medical power of attorney acting in accordance with  
6 Subchapter D; or

7           (E) a treatment decision made in accordance with  
8 Section 166.039; or

9           (2) is not contrary to the directions of a patient who  
10 was competent at the time the patient conveyed the directions and,  
11 in the reasonable medical judgment of the patient's attending  
12 physician:

13           (A) the patient's death is imminent, regardless  
14 of the provision of cardiopulmonary resuscitation; and

15           (B) the DNR order is medically appropriate.

16           (d) If an individual described by Section 166.039(b)(1),  
17 (2), or (3) arrives at the facility and notifies the facility of the  
18 individual's arrival after a DNR order is issued under Subsection  
19 (c)(2), the order must be disclosed to the individual in accordance  
20 with the priority established under Section 166.039(b).

21           (e) The facility may satisfy the notice requirement under  
22 Subsection (d) by notifying one person in accordance with the  
23 priority established under Section 166.039(b). The facility is not  
24 required to notify additional persons beyond the first person  
25 notified.

26           (f) A DNR order takes effect at the time the order is issued,  
27 provided that the order was placed in the patient's medical record

1 as soon as practicable.

2 (g) On admission to a health care facility or on initial  
3 provision of hospice services, as applicable, the facility or  
4 service provider shall provide to the patient or person authorized  
5 to make treatment decisions on behalf of the patient notice of the  
6 policies of the facility or service provider regarding the rights  
7 of the patient and person authorized to make treatment decisions on  
8 behalf of the patient under this section.

9 SECTION 2. The executive commissioner of the Health and  
10 Human Services Commission shall adopt rules necessary to implement  
11 Section 166.012, Health and Safety Code, as added by this Act, as  
12 soon as practicable after the effective date of this Act.

13 SECTION 3. Section 166.012, Health and Safety Code, as  
14 added by this Act, applies only to a do-not-resuscitate order  
15 issued on or after the effective date of this Act.

16 SECTION 4. This Act takes effect January 15, 2018.