

By: Bonnen of Galveston

H.B. No. 2063

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. The term includes an out-of-hospital DNR order as defined by Section 166.081.

(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.

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

(1) the order 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 given in the presence of a person authorized to make a treatment decision under Section 166.039(b);

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) in the reasonable medical judgment of the
10 patient's attending physician, the patient's death is imminent
11 within 24 hours regardless of the provision of cardiopulmonary
12 resuscitation or other life-sustaining treatment.

13 (d) A DNR order takes effect at the time the order is written
14 in the patient's chart or otherwise placed in the patient's medical
15 record.

16 (e) A DNR order issued by a physician must be in writing and
17 comply with this section.

18 (f) On admission to a health care facility or on initial
19 provision of hospice services, as applicable, the facility or
20 service provider shall provide to the patient or person authorized
21 to make treatment decisions on behalf of the patient notice of the
22 policies of the facility or service provider regarding the rights
23 of the patient and person authorized to make treatment decisions on
24 behalf of the patient under this section.

25 SECTION 2. The executive commissioner of the Health and
26 Human Services Commission shall adopt rules necessary to implement
27 Section 166.012, Health and Safety Code, as added by this Act, as

1 soon as practicable after the effective date of this Act.

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

5 SECTION 4. This Act takes effect September 1, 2017.