

## Senate Resolution 476

By: Senators Goggans of the 7th, Orrock of the 36th, Unterman of the 45th, Thomas of the 54th, Tate of the 38th and others

**ADOPTED SENATE**

## A RESOLUTION

1 Creating the Senate Study Committee for Advance Directives Assessment, Planning, and  
2 Oversight; and for other purposes.

3 WHEREAS, over the past 30 years, "advance directives" for health care have been  
4 increasingly embraced by individuals seeking to have their wishes respected at the end of life  
5 by the medical community, its facilities, practitioners, clinicians, and first responders; and

6 WHEREAS, all 50 states currently have some version of advance directive legislation  
7 reflecting the consensus within the legal, political, and medical communities that patient  
8 autonomy and self-determination at the end of life should be recognized and legally  
9 protected; and

10 WHEREAS, the absence of a Georgia data base that registers individual's advance directives  
11 for health care poses a significant obstacle to the ability of the medical community to follow  
12 a patient's end-of-life decisions; and

13 WHEREAS, the establishment of a Georgia registry of advance directives for health care is  
14 technologically feasible and is crucial to ensuring compliance with individual decisions and  
15 health care accountability; and

16 WHEREAS, hospitals throughout Georgia vary the title and format of the paradigm designed  
17 to convey patient advance directives to health care professionals and to honor the treatment  
18 decisions made by the patient; and

19 WHEREAS, Physician Orders for Scope of Treatment (POST) are endorsed in the federal  
20 Health Insurance Portability and Accountability Act (HIPAA) as critical medical documents  
21 used to disclose patient wishes to all health care providers upon a patient's admission to a  
22 medical facility and whenever a patient is transferred; and

23 WHEREAS, the POST form enables physicians to document patient wishes as clear, specific  
24 medical orders regarding the types of life-sustaining treatment desired or refused by the  
25 individual with an advanced life-limiting illness; and

26 WHEREAS, it would be beneficial to study the issue of establishing a uniform format for  
27 POST forms and considering mandating the use of POST forms in all hospitals in the state  
28 to ensure that the patient and physician discuss and develop clear medical treatment plans  
29 that are based upon patient decisions and that respect patient wishes for a peaceful death with  
30 dignity.

31 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE that there is created the Senate  
32 Study Committee for Advance Directives Assessment, Planning, and Oversight to study the  
33 development and administration of a state maintained data base of advance directives for the  
34 purpose of ensuring proper notification within the health care community of patient wishes  
35 and thereby validate and respect individual dignity and autonomy in end-of-life decisions and  
36 to study the establishment of a uniform format for POST forms and to consider mandating  
37 the use of such forms in all hospitals. The study committee shall be composed of five  
38 members of the Senate to be appointed by the President of the Senate. The President of the  
39 Senate shall designate a member of the committee as chairperson of the committee. The  
40 chairperson shall call all meetings of the committee.

41 BE IT FURTHER RESOLVED that the committee shall undertake a study of the conditions,  
42 needs, and issues mentioned above or related thereto and recommend any action or  
43 legislation which the committee deems necessary or appropriate. The committee may  
44 conduct such meetings at such places and at such times as it may deem necessary or  
45 convenient to enable it to exercise fully and effectively its powers, perform its duties, and  
46 accomplish the objectives and purposes of this resolution. The members of the committee  
47 shall receive the allowances provided for in Code Section 28-1-8 of the Official Code of  
48 Georgia Annotated. The allowances authorized by this resolution shall not be received by any  
49 member of the committee for more than five days unless additional days are authorized. The  
50 funds necessary to carry out the provisions of this resolution shall come from the funds  
51 appropriated to the Senate. In the event the committee makes a report of its findings and  
52 recommendations, with suggestions for proposed legislation, if any, such report shall be  
53 made on or before December 31, 2009, and the committee shall stand abolished on December  
54 31, 2009.