

House Bill 275

By: Representatives Cheokas of the 134th, Cooper of the 41st, Carter of the 175th, Clark of the 104th, Harden of the 147th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 39 of Title 31 of the Official Code of Georgia Annotated, relating to
2 cardiopulmonary resuscitation, so as to clarify the health care providers authorized to
3 effectuate an order not to resuscitate; to provide for definitions; to provide for related
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 39 of Title 31 of the Official Code of Georgia Annotated, relating to
8 cardiopulmonary resuscitation, is amended in Code Section 31-39-2, relating to definitions
9 pertaining to cardiopulmonary resuscitation, by adding new paragraphs to read as follows:

10 "(5.1) 'Caregiver' means an unlicensed assistant who provides direct health related care
11 to patients or residents, a proxy caregiver performing health maintenance activities as
12 provided in Code Section 43-26-12, or a person performing auxiliary services in the care
13 of patients as provided in Code Section 43-26-12."

14 "(8.1) 'Nurse' means a person who is a licensed practical nurse as provided in Code
15 Section 43-26-32 or a registered professional nurse as provided in Code Section 43-26-3."

16 style="text-align:center">**SECTION 2.**

17 Said chapter is further amended in Code Section 31-39-4, relating to persons authorized to
18 issue an order not to resuscitate, by revising subsection (a) as follows:

19 "(a) It shall be lawful for the attending physician to issue an order not to resuscitate
20 pursuant to the requirements of this chapter. Any written order issued by the attending
21 physician using the term 'do not resuscitate,' 'DNR,' 'order not to resuscitate,' 'no code,' or
22 substantially similar language in the patient's chart shall constitute a legally sufficient order
23 and shall authorize a physician, health care professional, nurse, caregiver, or emergency
24 medical technician to withhold or withdraw cardiopulmonary resuscitation. Such an order
25 shall remain effective, whether or not the patient is receiving treatment from or is a resident

26 of a health care facility, until the order is canceled as provided in Code Section 31-39-5 or
 27 until consent for such order is revoked as provided in Code Section 31-39-6, whichever
 28 occurs earlier. An attending physician who has issued such an order and who transfers care
 29 of the patient to another physician shall inform the receiving physician and the health care
 30 facility, if applicable, of the order."

31 **SECTION 3.**

32 Said chapter is further amended by revising Code Section 31-39-6, relating to the revocation
 33 of consent to an order not to resuscitate, as follows:

34 "31-39-6.

35 (a) A patient may, at any time, revoke his or her consent to an order not to resuscitate by
 36 making either a written or an oral declaration or by any other act evidencing a specific
 37 intent to revoke such consent which is communicated to or in the presence of an attending
 38 physician, nurse, caregiver ~~or a member of the nursing staff at the health care facility~~, a
 39 health care professional, or ~~an~~ emergency medical technician.

40 (b) Any parent or authorized person may at any time revoke his or her consent to an order
 41 not to resuscitate a patient by making either a written or an oral declaration or by any other
 42 act evidencing a specific intent to revoke such consent which is communicated to or in the
 43 presence of an attending physician, nurse, caregiver ~~or a member of the nursing staff at the~~
 44 ~~health care facility~~, a health care professional, or ~~an~~ emergency medical technician.

45 (c) Any physician who is informed of or provided with a revocation of consent pursuant
 46 to this Code section shall, either by himself or herself or by designee, immediately include
 47 the revocation in the patient's chart, cancel the order, and notify any health care facility
 48 staff responsible for the patient's care of the revocation and cancellation. Any member of
 49 the nursing staff, caregiver, a health care professional, or emergency medical technician
 50 who is informed of or provided with a revocation of consent pursuant to this Code section
 51 shall immediately notify a physician of such revocation."

52 **SECTION 4.**

53 Said chapter is further amended by revising Code Section 31-39-6.1, relating to form of order
 54 not to resuscitate, bracelet or necklace, and revocation or cancellation of order, as follows:

55 "31-39-6.1.

56 (a) In addition to those orders not to resuscitate authorized elsewhere in this chapter, any
 57 physician, health care professional, nurse, caregiver, or emergency medical technician shall
 58 be authorized to effectuate an order not to resuscitate for a person who is not a patient in
 59 a hospital, nursing home, or licensed hospice ~~and~~ if the order is evidenced in writing
 60 containing the patient's name, date of the form, printed name of the attending physician,

61 and ~~signed by~~ signature of the attending physician on a form substantially similar to the
62 following:

63 'DO NOT RESUSCITATE ORDER

64 NAME OF PATIENT: _____

65 THIS CERTIFIES THAT AN ORDER NOT TO RESUSCITATE HAS BEEN
66 ENTERED ON THE ABOVE-NAMED PATIENT.

67 SIGNED: _____

68 ATTENDING PHYSICIAN

69 PRINTED OR TYPED NAME OF ATTENDING PHYSICIAN: _____

70 ATTENDING PHYSICIAN'S TELEPHONE NUMBER: _____

71 DATE: _____'

72 (b) A person who is not a patient in a hospital, nursing home, or licensed hospice and who
73 has an order not to resuscitate pursuant to this Code section ~~shall~~ may wear an identifying
74 bracelet on either the wrist or the ankle or an identifying necklace. The bracelet shall be
75 substantially similar to identification bracelets worn in hospitals. The bracelet or necklace
76 ~~shall be on an orange background and~~ shall provide the following information in boldface
77 type:

78 'DO NOT RESUSCITATE ORDER

79 Patient's name: _____

80 Authorized person's name and telephone number, if applicable: _____

81 Patient's physician's printed name and telephone number: _____

82 Date of order not to resuscitate: _____'

83 Any physician, health care professional, nurse, caregiver, or emergency medical technician
84 shall be authorized to regard such a bracelet or necklace as a legally sufficient order not to
85 resuscitate in the same manner as an order issued pursuant to this chapter unless such
86 person has actual knowledge that such order has been canceled or consent thereto revoked
87 as provided in this chapter.

88 (c) Any order not to resuscitate evidenced pursuant to subsection (a) or (b) of this Code
89 section may be revoked as provided in Code Section 31-39-6 and may be canceled as
90 provided in Code Section 31-39-5."

91 **SECTION 5.**

92 Said chapter is further amended in Code Section 31-39-7, relating to liability of persons
93 carrying out in good faith decisions regarding cardiopulmonary resuscitation, notification of
94 next of kin or authorized person of patient by physician refusing to comply with an order not
95 to resuscitate, by revising subsections (a) and (b) as follows:

96 "(a) No physician, health care professional, nurse, caregiver, health care facility, other
97 licensed facility, emergency medical technician, or person employed by, acting as the agent
98 of, or under contract with any of the foregoing shall be subject to criminal prosecution or
99 civil liability or be deemed to have engaged in unprofessional conduct for carrying out in
100 good faith a decision regarding cardiopulmonary resuscitation authorized by this chapter
101 by or on behalf of a patient or for those actions taken in compliance with the standards and
102 procedures set forth in this chapter.

103 (b) No physician, health care professional, nurse, caregiver, health care facility, other
104 licensed facility, emergency medical technician, or person employed by, acting as the agent
105 of, or under contract with any of the foregoing shall be subject to criminal prosecution or
106 civil liability or be deemed to have engaged in unprofessional conduct for providing
107 cardiopulmonary resuscitation to a patient for whom an order not to resuscitate has been
108 issued, provided that such physician or person:

- 109 (1) Reasonably and in good faith was unaware of the issuance of an order not to
110 resuscitate; or
111 (2) Reasonably and in good faith believed that consent to the order not to resuscitate had
112 been revoked or canceled."

113 **SECTION 6.**

114 All laws and parts of laws in conflict with this Act are repealed.