

House Bill 275 (AS PASSED HOUSE AND SENATE)

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 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 "(11.1) 'Physician assistant' means a person licensed as a physician assistant pursuant to
17 Article 4 of Chapter 34 of Title 43."

18 SECTION 2.

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

21 "(a) It shall be lawful for the attending physician to issue an order not to resuscitate
22 pursuant to the requirements of this chapter. Any written order issued by the attending
23 physician using the term 'do not resuscitate,' 'DNR,' 'order not to resuscitate,' 'no code,' or
24 substantially similar language in the patient's chart shall constitute a legally sufficient order
25 and shall authorize a physician, health care professional, nurse, physician assistant,

26 caregiver, or emergency medical technician to withhold or withdraw cardiopulmonary
 27 resuscitation. Such an order shall remain effective, whether or not the patient is receiving
 28 treatment from or is a resident of a health care facility, until the order is canceled as
 29 provided in Code Section 31-39-5 or until consent for such order is revoked as provided
 30 in Code Section 31-39-6, whichever occurs earlier. An attending physician who has issued
 31 such an order and who transfers care of the patient to another physician shall inform the
 32 receiving physician and the health care facility, if applicable, of the order."

33 SECTION 3.

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

36 "31-39-6.

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

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

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

55 SECTION 4.

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

58 "31-39-6.1.

59 (a) In addition to those orders not to resuscitate authorized elsewhere in this chapter, any
60 physician, health care professional, nurse, physician assistant, caregiver, or emergency
61 medical technician shall be authorized to effectuate an order not to resuscitate for a person
62 who is not a patient in a hospital, nursing home, or licensed hospice ~~and~~ if the order is
63 evidenced in writing containing the patient's name, date of the form, printed name of the
64 attending physician, and ~~signed by~~ signature of the attending physician on a form
65 substantially similar to the following:

66 'DO NOT RESUSCITATE ORDER

67 NAME OF PATIENT: _____

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

70 SIGNED: _____

71 ATTENDING PHYSICIAN

72 PRINTED OR TYPED NAME OF ATTENDING PHYSICIAN: _____

73 ATTENDING PHYSICIAN'S TELEPHONE NUMBER: _____

74 DATE: _____'

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

81 'DO NOT RESUSCITATE ORDER

82 Patient's name: _____

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

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

85 Date of order not to resuscitate: _____'

86 Any physician, health care professional, nurse, physician assistant, caregiver, or emergency
87 medical technician shall be authorized to regard such a bracelet, ~~or necklace, or notice~~ as
88 a legally sufficient order not to resuscitate in the same manner as an order issued pursuant

89 to this chapter unless such person has actual knowledge that such order has been canceled
90 or consent thereto revoked as provided in this chapter.

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

94 **SECTION 5.**

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

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

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

112 (1) Reasonably and in good faith was unaware of the issuance of an order not to
113 resuscitate; or

114 (2) Reasonably and in good faith believed that consent to the order not to resuscitate had
115 been revoked or canceled."

116 **SECTION 6.**

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