

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 840

By: Henry

COMMITTEE SUBSTITUTE

An Act relating to health care instructions; amending Sections 4 and 7, Chapter 327, O.S.L. 1997 (63 O.S. Supp. 1997, Sections 3131.4 and 3131.7), which relate to the Oklahoma Do-Not-Resuscitate Act; providing for withdrawal of consent to certain medical treatment for minor child; providing for revocation of do-not-resuscitate consent for minor child; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 4, Chapter 327, O.S.L. 1997 (63 O.S. Supp. 1997, Section 3131.4), is amended to read as follows:

Section 3131.4 A. Every person shall be presumed to consent to the administration of cardiopulmonary resuscitation in the event of cardiac or respiratory arrest, unless one or more of the following conditions, of which the health care provider has actual knowledge, apply:

1. The person has notified ~~such person's~~ his or her attending physician that ~~such person~~ he or she does not consent to the administration of cardiopulmonary resuscitation in the event of

cardiac or respiratory arrest and ~~such~~ that notification has been entered in the patient's medical records; or

2. The parent or guardian of a minor child has notified the minor child's attending physician that the parent or guardian, based on information sufficient to constitute informed consent, does not consent to the administration of cardiopulmonary resuscitation in the event of the minor child's cardiac or respiratory arrest and that notification has been entered in the minor child's medical records; or

3. An incapacitated person's representative has notified the incapacitated person's attending physician that the representative, based on the known wishes of the incapacitated person, does not consent to the administration of cardiopulmonary resuscitation in the event of the incapacitated person's cardiac or respiratory arrest and ~~such~~ that notification has been entered in the patient's medical records; or

~~3.~~ 4. An attending physician of an incapacitated person without a representative knows by clear and convincing evidence that the incapacitated person, when competent, decided on the basis of information sufficient to constitute informed consent that ~~such~~ the person would not have consented to the administration of cardiopulmonary resuscitation in the event of cardiac or respiratory arrest. Clear and convincing evidence for this purpose shall include oral, written, or other acts of communication between the patient, when competent, and family members, health care providers, or others close to the patient with knowledge of the patient's personal desires; or

~~4.~~ 5. A do-not-resuscitate consent form in accordance with the provisions of the Oklahoma Do-Not-Resuscitate Act has been executed for that person; or

~~5.~~ 6. An executed advance directive for health care, or other document recognized by the Oklahoma Rights of the Terminally Ill or

Persistently Unconscious Act, directing that life-sustaining treatment not be performed in the event of cardiac or respiratory arrest, is in effect for that person, pursuant to the provisions of paragraph 1 of Section 3101.3 or Section 3101.14 of ~~Title 63 of the Oklahoma Statutes~~ this title.

B. Nothing in the Oklahoma Do-Not-Resuscitate Act shall require a health care agency to institute or maintain the ability to provide cardiopulmonary resuscitation or to expand its existing equipment, facilities, or personnel to provide cardiopulmonary resuscitation; provided, if such health care agency does not provide cardiopulmonary resuscitation, this policy shall be communicated in writing to the person or representative prior to the person coming under the care of the health care agency.

SECTION 2. AMENDATORY Section 7, Chapter 327, O.S.L. 1997 (63 O.S. Supp. 1997, Section 3131.7), is amended to read as follows:

Section 3131.7 A. At any time, a person under the care of a health care agency may revoke ~~such person's~~ his or her do-not-resuscitate consent by making an oral, written, or other act of communication to a physician or other health care provider of a health care agency.

B. At any time, a person not under the care of a health care agency may revoke ~~such person's~~ his or her do-not-resuscitate consent by destroying the form and removing all do-not-resuscitate identification from the person. The person is responsible for notifying ~~such person's~~ his or her attending physician of the revocation.

C. At any time, the parent or guardian of a minor child may revoke the do-not-resuscitate consent for the minor child by making an oral, written, or other act of communication to a physician or other health care provider. The parent or guardian of the minor

child is responsible for notifying the minor child's attending physician of the revocation.

D. At any time, a representative may revoke the do-not-resuscitate consent for an incapacitated person under the care of a health care agency by notifying a physician or other health care provider of the health care agency of the revocation of consent in writing or by orally notifying the attending physician.

~~D.~~ E. At any time, a representative may revoke the do-not-resuscitate consent for an incapacitated person not under the care of a health care agency by destroying the form and removing all do-not-resuscitate identification from the person. The representative is responsible for notifying the person's attending physician of the revocation.

~~E.~~ F. The attending physician who is informed of or provided with a revocation of consent to a do-not-resuscitate order pursuant to this section shall immediately cancel the order if the person is under the care of a health care agency and shall notify the health care providers of the health care agency responsible for the person's care of the revocation and cancellation. Any professional staff of the health care agency who is informed of or provided with a revocation of consent for a do-not-resuscitate order pursuant to this section shall immediately notify the attending physician of the revocation.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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