

ASSEMBLY BILL NO. 173—ASSEMBLYMEN NOLAN, CHOWNING, DE BRAGA, FREEMAN, DINI, ANDERSON, ANGLE, ARBERRY, BACHE, BERMAN, BROWER, BROWN, BUCKLEY, CARPENTER, CEGAVSKE, CLABORN, GIUNCHIGLIANI, HETTRICK, KOIVISTO, LESLIE, MANENDO, MARVEL, OCEGUERA, PARKS, PRICE, SMITH, TIFFANY, VON TOBEL AND WILLIAMS

FEBRUARY 15, 2001

Referred to Committee on Health and Human Services

SUMMARY—Expands circumstances under which emergency life-resuscitating treatment may be withheld from patient in terminal condition. (BDR 40-437)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to emergency medical services; expanding the circumstances under which treatment may be withheld from a patient in a terminal condition who wishes not to be resuscitated in the event of cardiac or respiratory arrest; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 450B.480 is hereby amended to read as follows:
- 2 450B.480 The provisions of NRS 450B.400 to 450B.590, inclusive,
- 3 apply only to emergency medical services administered to a qualified
- 4 patient ~~before~~:
- 5 *1. Before he is admitted to a medical facility ~~+~~; or*
- 6 *2. While the qualified patient is being transferred from one health*
- 7 *care facility to another health care facility.*
- 8 **Sec. 2.** NRS 450B.540 is hereby amended to read as follows:
- 9 450B.540 1. A person is not guilty of unprofessional conduct or
- 10 subject to civil or criminal liability if he:
- 11 (a) Is a physician who ~~causes~~:
- 12 *(1) Causes the withholding of life-resuscitating treatment from a*
- 13 *qualified patient who possesses a do-not-resuscitate identification in*
- 14 *accordance with the do-not-resuscitate protocol; or*
- 15 *(2) While the patient is being transferred from one health care*
- 16 *facility to another health care facility, carries out a do-not-resuscitate*



* A B 1 7 3 *

1 *order that is documented in the medical record of a qualified patient, in*
2 *accordance with the do-not-resuscitate protocol;*

3 (b) Pursuant to the direction of or with the authorization of a physician,
4 participates in ~~the~~ :

5 (1) *The* withholding of life-resuscitating treatment from a qualified
6 patient who possesses a do-not-resuscitate identification in accordance with
7 the do-not-resuscitate protocol; or

8 (2) *While the patient is being transferred from one health care*
9 *facility to another health care facility, carrying out a do-not-resuscitate*
10 *order that is documented in the medical record of a qualified patient, in*
11 *accordance with the do-not-resuscitate protocol; or*

12 (c) Administers emergency medical services and ~~causes~~ :

13 (1) *Causes* or participates in the withholding of life-resuscitating
14 treatment from a qualified patient who possesses a do-not-resuscitate
15 identification ~~for carries~~ ;

16 (2) *Before a qualified patient is admitted to a medical facility,*
17 *carries* out a do-not-resuscitate order that has been issued in accordance
18 with the do-not-resuscitate protocol ~~+~~ ; or

19 (3) *While the patient is being transferred from one health care*
20 *facility to another health care facility, carries out a do-not-resuscitate*
21 *order that is documented in the medical record of a qualified patient, in*
22 *accordance with the do-not-resuscitate protocol.*

23 2. A health care facility, ambulance service or fire-fighting agency that
24 employs a person described in subsection 1 is not guilty of unprofessional
25 conduct or subject to civil or criminal liability for the acts or omissions of
26 the employee carried out in accordance with the provisions of subsection 1.

27 3. A physician, a person pursuant to the direction or authorization of a
28 physician, a health care facility or a person administering emergency
29 medical services who provides life-resuscitating treatment pursuant to:

30 (a) An oral or written request made by a qualified patient who possesses
31 a do-not-resuscitate identification ~~+~~ *or has been issued a do-not-*
32 *resuscitate order;* or

33 (b) An observation that a qualified patient has removed or destroyed or
34 requested the removal or destruction of his do-not-resuscitate identification
35 or otherwise indicated that he wished to have his identification removed or
36 destroyed,
37 is not guilty of unprofessional conduct or subject to civil or criminal
38 liability.

39 **Sec. 3.** NRS 450B.550 is hereby amended to read as follows:

40 450B.550 1. Except as otherwise provided in subsection 2, a person
41 who administers emergency medical services shall comply with do-not-
42 resuscitate protocol when he observes a do-not-resuscitate identification ~~+~~
43 *or carries out a do-not-resuscitate order.*

44 2. A person who administers emergency medical services and who is
45 unwilling or unable to comply with the do-not-resuscitate protocol shall
46 take all reasonable measures to transfer a qualified patient who possesses a
47 do-not-resuscitate identification *or has been issued a do-not-resuscitate*
48 *order* to a physician or health care facility in which the do-not-resuscitate
49 protocol may be followed.



* A B 1 7 3 *

1 **Sec. 4.** NRS 450B.570 is hereby amended to read as follows:
2 450B.570 1. Death that results when life-resuscitating treatment has
3 been withheld pursuant to the do-not-resuscitate protocol and in
4 accordance with the provisions of NRS 450B.400 to 450B.590, inclusive,
5 does not constitute a suicide or homicide.
6 2. The possession of a do-not-resuscitate identification *or the issuance*
7 *of a do-not-resuscitate order* does not affect the sale, procurement or
8 issuance of a policy of life insurance or an annuity or impair or modify the
9 terms of a policy of life insurance or an annuity. A policy of life insurance
10 or an annuity is not legally impaired or invalidated if life-resuscitating
11 treatment has been withheld from an insured who possesses a do-not-
12 resuscitate identification ~~H~~ *or has been issued a do-not-resuscitate order,*
13 notwithstanding any term in the policy or annuity to the contrary.
14 3. A person may not prohibit or require the possession of a do-not-
15 resuscitate identification *or the issuance of a do-not-resuscitate order* as a
16 condition of being insured for, or receiving, health care.
17 **Sec. 5.** This act becomes effective on July 1, 2001.

