

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.

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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; authorizing the parent or legal guardian of a minor to obtain a do-not-resuscitate identification on behalf of the minor under certain circumstances; 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.** Chapter 450B of NRS is hereby amended by adding thereto
- 2 the provisions set forth as sections 2 to 5, inclusive, of this act.
- 3 **Sec. 2.** *“Attending physician” has the meaning ascribed to it in NRS*
- 4 *449.550.*
- 5 **Sec. 3.** *“Terminal condition” has the meaning ascribed to it in NRS*
- 6 *449.590.*
- 7 **Sec. 4.** *The board may enter into an agreement for the manufacture*
- 8 *of a bracelet or medallion to be worn by a qualified patient which*
- 9 *indicates that the qualified patient has been issued a do-not-resuscitate*
- 10 *identification. Such a bracelet or medallion may be issued to a qualified*
- 11 *patient in addition to, and not in lieu of, the do-not-resuscitate*
- 12 *identification.*



1 **Sec. 5.** 1. *A parent or legal guardian of a minor may apply to the*
2 *health authority for a do-not-resuscitate identification on behalf of the*
3 *minor if the minor has been:*
4 (a) *Determined by his attending physician to be in a terminal*
5 *condition; and*
6 (b) *Issued a do-not-resuscitate order pursuant to NRS 450B.510.*
7 2. *To obtain such a do-not-resuscitate identification, the parent or*
8 *legal guardian must:*
9 (a) *Submit an application on a form provided by the health authority;*
10 *and*
11 (b) *Comply with the requirements prescribed by the board.*
12 3. *An application submitted pursuant to subsection 2 must include,*
13 *without limitation:*
14 (a) *Certification by the minor's attending physician that the minor:*
15 (1) *Suffers from a terminal condition; and*
16 (2) *Has been issued a do-not resuscitate order pursuant to NRS*
17 *450B.510;*
18 (b) *A statement that the parent or legal guardian of the minor does*
19 *not wish that life-resuscitating treatment be undertaken in the event of a*
20 *cardiac or respiratory arrest;*
21 (c) *The name of the minor;*
22 (d) *The name, signature and telephone number of the minor's*
23 *attending physician; and*
24 (e) *The name, signature and telephone number of the minor's parent*
25 *or legal guardian.*
26 4. *The parent or legal guardian of the minor may revoke the*
27 *authorization to withhold life-resuscitating treatment by removing or*
28 *destroying or requesting the removal or destruction of the identification*
29 *or otherwise indicating to a person that he wishes to have the*
30 *identification removed or destroyed.*
31 5. *If, in the opinion of the attending physician, the minor is of*
32 *sufficient maturity to understand the nature and effect of withholding*
33 *life-resuscitating treatment:*
34 (a) *The do-not-resuscitate identification obtained pursuant to this*
35 *section is not effective without the assent of the minor.*
36 (b) *The minor may revoke the authorization to withhold life-*
37 *resuscitating treatment by removing or destroying or requesting the*
38 *removal or destruction of the identification or otherwise indicating to a*
39 *person that he wishes to have the identification removed or destroyed.*
40 **Sec. 6.** NRS 450B.400 is hereby amended to read as follows:
41 450B.400 As used in NRS 450B.400 to 450B.590, inclusive, *and*
42 *sections 2 to 5, inclusive, of this act*, unless the context otherwise requires,
43 the words and terms defined in NRS 450B.410 to 450B.470, inclusive, *and*
44 *sections 2 and 3 of this act*, have the meanings ascribed to them in those
45 sections.
46 **Sec. 7.** NRS 450B.470 is hereby amended to read as follows:
47 450B.470 "Qualified patient" ~~has the meaning ascribed to it in NRS~~
48 ~~449.585.~~ *means:*



1 1. A patient 18 years of age or older who has been determined by his
2 attending physician to be in a terminal condition and who:

3 (a) Has executed a declaration in accordance with the requirements of
4 NRS 449.600; or

5 (b) Has been issued a do-not-resuscitate order pursuant to NRS
6 450B.510.

7 2. A patient who is less than 18 years of age and who:

8 (a) Has been determined by his attending physician to be in a terminal
9 condition; and

10 (b) Has been issued a do-not-resuscitate order pursuant to NRS
11 450B.510.

12 Sec. 8. NRS 450B.480 is hereby amended to read as follows:

13 450B.480 The provisions of NRS 450B.400 to 450B.590, inclusive,
14 and sections 2 to 5, inclusive, of this act, apply only to emergency medical
15 services administered to a qualified patient ~~before~~:

16 1. Before he is admitted to a medical facility ~~H~~; or

17 2. While the qualified patient is being prepared to be transferred, or
18 is being transferred, from one health care facility to another health care
19 facility.

20 Sec. 9. NRS 450B.490 is hereby amended to read as follows:

21 450B.490 1. The board shall adopt regulations to carry out the
22 provisions of NRS 450B.400 to 450B.590, inclusive ~~H~~, and sections 2 to
23 5, inclusive, of this act. The regulations must establish:

24 (a) A do-not-resuscitate protocol; and

25 (b) The procedure to apply for a do-not-resuscitate identification.

26 2. The board may establish a fee for ~~that~~:

27 (a) A do-not-resuscitate identification to be collected by the health
28 authority. The fee may not exceed the actual cost to the health authority of:

29 ~~(a)~~ (1) Manufacturing or obtaining the identification from a
30 manufacturer, including the cost of shipping and handling; and

31 ~~(b)~~ (2) Engraving the identification.

32 (b) The issuance of a bracelet or medallion which indicates that a do-
33 not-resuscitate identification has been issued to a qualified patient.

34 3. In the case of a county or district board of health, such regulations
35 take effect immediately upon approval by the state board of health.

36 Sec. 10. NRS 450B.510 is hereby amended to read as follows:

37 450B.510 1. A physician licensed in this state may issue a written
38 do-not-resuscitate order only to a ~~qualified patient~~.

39 ~~2. The patient who has been determined to be in a terminal~~
40 ~~condition.~~

41 2. Except as otherwise provided in subsection 3, the order is effective
42 only if the patient has agreed to its terms, in writing, while he is capable of
43 making an informed decision.

44 3. If the patient is a minor, the order is effective only if:

45 (a) The parent or legal guardian of the minor has agreed to its terms,
46 in writing; and

47 (b) The minor has agreed to its terms, in writing, while he is capable
48 of making an informed decision if, in the opinion of the attending



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1 *physician, the minor is of sufficient maturity to understand the nature*
2 *and effect of withholding life-resuscitating treatment.*

3 4. A physician who issues a do-not-resuscitate order may apply, on
4 behalf of the patient, to the health authority for a do-not-resuscitate
5 identification for that patient.

6 **Sec. 11.** NRS 450B.520 is hereby amended to read as follows:

7 450B.520 *Except as otherwise provided in section 5 of this act:*

8 1. A qualified patient may apply to the health authority for a do-not-
9 resuscitate identification by submitting an application on a form provided
10 by the health authority. To obtain a do-not-resuscitate identification, the
11 patient must comply with the requirements prescribed by the board and
12 sign a form which states that he has informed each member of his family
13 within the first degree of consanguinity or affinity, whose whereabouts are
14 known to him, or if no such members are living, his legal guardian, if any,
15 or if he has no such members living and has no legal guardian, his
16 caretaker, if any, of his decision to apply for an identification.

17 2. An application must include, without limitation:

18 (a) Certification by the patient's attending physician that the patient
19 suffers from a terminal condition;

20 (b) Certification by the patient's attending physician that the patient ~~is~~:

21 ~~(1) Is~~ *is* capable of making an informed decision ~~is or~~

22 ~~(2) When~~ *or, when* he was capable of making an informed decision

23 ~~is~~ :

24 (1) *He* executed:

25 (I) A written directive that life-resuscitating treatment be withheld
26 under certain circumstances; or

27 (II) A durable power of attorney for health care pursuant to NRS
28 449.800 to 449.860, inclusive; *or*

29 (2) *He was issued a do-not-resuscitate order pursuant to NRS*
30 *450B.510;*

31 (c) A statement that the patient does not wish that life-resuscitating
32 treatment be undertaken in the event of a cardiac or respiratory arrest;

33 (d) The name, signature and telephone number of the patient's attending
34 physician; and

35 (e) The name and signature of the patient or the attorney in fact who is
36 authorized to make health care decisions on the patient's behalf pursuant to
37 a durable power of attorney for health care.

38 **Sec. 12.** NRS 450B.530 is hereby amended to read as follows:

39 450B.530 ~~Is~~ *Except as otherwise provided in section 5 of this act, a*
40 *qualified patient who possesses a do-not-resuscitate identification may*
41 *revoke his authorization to withhold life-resuscitating treatment by*
42 *removing or destroying or requesting the removal or destruction of his*
43 *identification or otherwise indicating to a person that he wishes to have his*
44 *identification removed or destroyed.*

45 **Sec. 13.** NRS 450B.540 is hereby amended to read as follows:

46 450B.540 1. A person is not guilty of unprofessional conduct or
47 subject to civil or criminal liability if he:

48 (a) Is a physician who ~~causes~~ :



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1 (1) *Causes* the withholding of life-resuscitating treatment from a
2 qualified patient who possesses a do-not-resuscitate identification in
3 accordance with the do-not-resuscitate protocol; *or*

4 (2) *While the patient is being prepared to be transferred, or is being*
5 *transferred, from one health care facility to another health care facility,*
6 *carries out a do-not-resuscitate order that is documented in the medical*
7 *record of a qualified patient, in accordance with the do-not-resuscitate*
8 *protocol;*

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

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

14 (2) *While the patient is being prepared to be transferred, or is being*
15 *transferred, from one health care facility to another health care facility,*
16 *carrying out a do-not-resuscitate order that is documented in the medical*
17 *record of a qualified patient, in accordance with the do-not-resuscitate*
18 *protocol; or*

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

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

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

26 (3) *While the patient is being prepared to be transferred, or is being*
27 *transferred, from one health care facility to another health care facility,*
28 *carries out a do-not-resuscitate order that is documented in the medical*
29 *record of a qualified patient, in accordance with the do-not-resuscitate*
30 *protocol.*

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

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

38 (a) An oral or written request made by a qualified patient ~~who~~
39 ~~possesses a do-not-resuscitate identification;~~ , *or the parent or legal*
40 *guardian of a qualified patient, who may revoke the authorization to*
41 *withhold life-resuscitating treatment pursuant to NRS 450B.530 or*
42 *section 5 of this act;* *or*

43 (b) An observation that a qualified patient ~~has removed or destroyed or~~
44 ~~requested the removal or destruction of his do-not resuscitate identification~~
45 ~~or otherwise indicated that he wished to have his identification removed or~~
46 ~~destroyed;~~ , *or the parent or legal guardian of a qualified patient, has*
47 *revoked or otherwise indicated that he wishes to revoke the authorization*
48 *to withhold life-resuscitating treatment pursuant to NRS 450B.530 or*
49 *section 5 of this act,*



1 is not guilty of unprofessional conduct or subject to civil or criminal
2 liability.

3 **Sec. 14.** NRS 450B.550 is hereby amended to read as follows:

4 450B.550 1. Except as otherwise provided in subsection 2, a person
5 who administers emergency medical services shall comply with do-not-
6 resuscitate protocol when he observes a do-not-resuscitate identification ~~H~~
7 *or carries out a do-not-resuscitate order.*

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

14 **Sec. 15.** NRS 450B.560 is hereby amended to read as follows:

15 450B.560 1. Unless he has knowledge to the contrary, a physician,
16 any other provider of health care or any person who administers emergency
17 medical services may assume that a do-not-resuscitate identification
18 complies with the provisions of NRS 450B.400 to 450B.590, inclusive,
19 *and sections 2 to 5, inclusive, of this act*, and is valid.

20 2. The provisions of NRS 450B.400 to 450B.590, inclusive, *and*
21 *sections 2 to 5, inclusive, of this act*, do not create a presumption
22 concerning the intention of a:

23 (a) Qualified patient *or a parent or legal guardian of a qualified*
24 *patient* who has revoked ~~this~~ authorization to withhold life-resuscitating
25 treatment ~~H~~ *pursuant to NRS 450B.530 or section 5 of this act*; or

26 (b) Person who has not obtained a do-not-resuscitate
27 identification,
28 concerning the use or withholding of life-resuscitating treatment in a life-
29 threatening emergency.

30 **Sec. 16.** NRS 450B.570 is hereby amended to read as follows:

31 450B.570 1. Death that results when life-resuscitating treatment has
32 been withheld pursuant to the do-not-resuscitate protocol and in
33 accordance with the provisions of NRS 450B.400 to 450B.590, inclusive,
34 *and sections 2 to 5, inclusive, of this act*, does not constitute a suicide or
35 homicide.

36 2. The possession of a do-not-resuscitate identification *or the issuance*
37 *of a do-not-resuscitate order* does not affect the sale, procurement or
38 issuance of a policy of life insurance or an annuity or impair or modify the
39 terms of a policy of life insurance or an annuity. A policy of life insurance
40 or an annuity is not legally impaired or invalidated if life-resuscitating
41 treatment has been withheld from an insured who possesses a do-not-
42 resuscitate identification ~~H~~ *or has been issued a do-not-resuscitate order*,
43 notwithstanding any term in the policy or annuity to the contrary.

44 3. A person may not prohibit or require the possession of a do-not-
45 resuscitate identification *or the issuance of a do-not-resuscitate order* as a
46 condition of being insured for, or receiving, health care.

47 **Sec. 17.** NRS 450B.580 is hereby amended to read as follows:

48 450B.580 1. It is unlawful for:



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1 (a) A person who administers emergency medical services to fail
2 willfully to transfer a qualified patient in accordance with the provisions of
3 NRS 450B.550.

4 (b) A person purposely to conceal, cancel, deface or obliterate a do-not-
5 resuscitate identification of a qualified patient, unless it is done in
6 compliance with ~~the~~ a request of the qualified patient *or a parent or legal*
7 *guardian of the qualified patient* to remove or destroy ~~the~~ the do-not-
8 resuscitate identification ~~it~~ *pursuant to NRS 450B.530 or section 5 of this*
9 *act.*

10 (c) A person to falsify or forge the do-not-resuscitate identification of a
11 qualified patient or purposely to conceal or withhold personal knowledge
12 of the revocation of a do-not-resuscitate identification with the intent to
13 cause the use, withholding or withdrawal of life-resuscitating treatment.

14 2. A person who violates any of the provisions of this section is guilty
15 of a misdemeanor.

16 **Sec. 18.** NRS 129.030 is hereby amended to read as follows:

17 129.030 1. ~~It~~ *Except as otherwise provided in section 5 of this*
18 *act,* a minor may give consent for the services provided in subsection 2 for
19 himself or for his child, if he is:

20 (a) Living apart from his parents or legal guardian, with or without the
21 consent of the parent, parents or legal guardian, and has so lived for a
22 period of at least 4 months;

23 (b) Married or has been married;

24 (c) A mother, or has borne a child; or

25 (d) In a physician's judgment, in danger of suffering a serious health
26 hazard if health care services are not provided.

27 2. Except as otherwise provided in subsection 4 ~~it~~ *and section 5 of*
28 *this act,* the consent of the parent or parents or the legal guardian of a
29 minor is not necessary for a local or state health officer, board of health,
30 licensed physician or public or private hospital to examine or provide
31 treatment for any minor, included within the provisions of subsection 1,
32 who understands the nature and purpose of the proposed examination or
33 treatment and its probable outcome, and voluntarily requests it. The
34 consent of the minor to examination or treatment pursuant to this
35 subsection is not subject to disaffirmance because of minority.

36 3. A person who treats a minor pursuant to subsection 2 shall, before
37 initiating treatment, make prudent and reasonable efforts to obtain his
38 consent to communicate with his parent, parents or legal guardian, and
39 shall make a note of such efforts in the record of his care. If the person
40 believes that such efforts would jeopardize treatment necessary to the
41 minor's life or necessary to avoid a serious and immediate threat to the
42 minor's health, the person may omit such efforts and note the reasons for
43 the omission in the record.

44 4. A minor may not consent to his sterilization.

45 5. In the absence of negligence, no person providing services pursuant
46 to subsection 2 is subject to civil or criminal liability for providing those
47 services.

48 6. The parent, parents or legal guardian of a minor who receives
49 services pursuant to subsection 2 are not liable for the payment for those



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1 services unless the parent, parents or legal guardian has consented to such
2 health care services. The provisions of this subsection do not relieve a
3 parent, parents or legal guardian from liability for payment for emergency
4 services provided to a minor pursuant to NRS 129.040.

5 **Sec. 19.** NRS 129.050 is hereby amended to read as follows:

6 129.050 1. ~~Any~~ *Except as otherwise provided in section 5 of this*
7 *act, any* minor who is under the influence of, or suspected of being under
8 the influence of, a controlled substance:

9 (a) May give express consent; or

10 (b) If unable to give express consent, shall be deemed to
11 consent,

12 to the furnishing of hospital, medical, surgical or other care for the
13 treatment of abuse of drugs or related illnesses by any public or private
14 hospital, medical facility, facility for the dependent or any licensed
15 physician, and the consent of the minor is not subject to disaffirmance
16 because of minority.

17 2. Immunity from civil or criminal liability extends to any physician or
18 other person rendering care or treatment pursuant to subsection 1, in the
19 absence of negligent diagnosis, care or treatment.

20 3. The consent of the parent, parents or ~~the~~ legal guardian of the
21 minor is not necessary to authorize such care, but any physician who treats
22 a minor pursuant to this section shall make every reasonable effort to report
23 the fact of treatment to the parent, ~~for~~ parents or legal guardian within a
24 reasonable time after treatment.

25 **Sec. 20.** This act becomes effective on July 1, 2001.

