

1-1 By: Perry, Hancock, Kolkhorst S.B. No. 11
 1-2 (In the Senate - Filed July 12, 2017; July 20, 2017, read
 1-3 first time and referred to Committee on Health & Human Services;
 1-4 July 22, 2017, reported favorably by the following vote: Yeas 6,
 1-5 Nays 3; July 22, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9		X		
1-10	X			
1-11	X			
1-12	X			
1-13		X		
1-14	X			
1-15	X			
1-16		X		

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to general procedures and requirements for
 1-20 do-not-resuscitate orders.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter A, Chapter 166, Health and Safety
 1-23 Code, is amended by adding Section 166.012 to read as follows:

1-24 Sec. 166.012. GENERAL PROCEDURES AND REQUIREMENTS FOR
 1-25 DO-NOT-RESUSCITATE ORDERS. (a) In this section, "DNR order" means
 1-26 an order instructing a health care professional not to attempt
 1-27 cardiopulmonary resuscitation or other life-sustaining treatment
 1-28 on a patient whose circulatory or respiratory function ceases.

1-29 (b) This section applies to a DNR order used in a health care
 1-30 facility, including a hospital or an assisted living facility, or
 1-31 in hospice settings, including hospice services provided by a home
 1-32 and community support services agency. This section does not apply
 1-33 to an out-of-hospital DNR order as defined by Section 166.081.

1-34 (c) A DNR order issued for a patient is valid only if the
 1-35 order:

1-36 (1) is issued in compliance with:

1-37 (A) the written directions of a patient who was
 1-38 competent at the time the patient wrote the directions;

1-39 (B) the oral directions of a competent patient
 1-40 delivered to or observed by two competent adult witnesses, at least
 1-41 one of whom must be a person not listed under Section 166.003(2);

1-42 (C) the directions in an advance directive
 1-43 enforceable under Section 166.005 or executed in accordance with
 1-44 Section 166.032, 166.034, or 166.035;

1-45 (D) the directions of a patient's legal guardian
 1-46 or agent under a medical power of attorney acting in accordance with
 1-47 Subchapter D; or

1-48 (E) a treatment decision made in accordance with
 1-49 Section 166.039; or

1-50 (2) is not contrary to the directions of a patient who
 1-51 was competent at the time the patient conveyed the directions and,
 1-52 in the reasonable medical judgment of the patient's attending
 1-53 physician:

1-54 (A) the patient's death is imminent, regardless
 1-55 of the provision of cardiopulmonary resuscitation; and

1-56 (B) the DNR order is medically appropriate.

1-57 (d) If an individual described by Section 166.039(b)(1),
 1-58 (2), or (3) arrives at the facility and notifies the facility of the
 1-59 individual's arrival after a DNR order is issued under Subsection
 1-60 (c)(2), the order must be disclosed to the individual in accordance
 1-61 with the priority established under Section 166.039(b).

2-1 (e) The facility may satisfy the notice requirement under
2-2 Subsection (d) by notifying one person in accordance with the
2-3 priority established under Section 166.039(b). The facility is not
2-4 required to notify additional persons beyond the first person
2-5 notified.

2-6 (f) A DNR order takes effect at the time the order is issued,
2-7 provided the order is placed in the patient's medical record as soon
2-8 as practicable.

2-9 (g) On admission to a health care facility or on initial
2-10 provision of hospice services, as applicable, the facility or
2-11 service provider shall provide to the patient or person authorized
2-12 to make treatment decisions on behalf of the patient notice of the
2-13 policies of the facility or service provider regarding the rights
2-14 of the patient and person authorized to make treatment decisions on
2-15 behalf of the patient under this section.

2-16 SECTION 2. The executive commissioner of the Health and
2-17 Human Services Commission shall adopt rules necessary to implement
2-18 Section 166.012, Health and Safety Code, as added by this Act, as
2-19 soon as practicable after the effective date of this Act.

2-20 SECTION 3. Section 166.012, Health and Safety Code, as
2-21 added by this Act, applies only to a do-not-resuscitate order
2-22 issued on or after the effective date of this Act.

2-23 SECTION 4. This Act takes effect April 1, 2018.

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