**A** **BILL**

TO AMEND SECTIONS 44‑78‑20, 44‑78‑30, 44‑78‑45(A), 44‑78‑50, AND 44‑78‑60 OF THE 1976 CODE, ALL RELATING TO DO NOT RESUSCITATE ORDERS, TO ALLOW A PARENT OR LEGAL GUARDIAN OF A MEDICALLY ELIGIBLE CHILD TO REQUEST AND REVOKE A DO NOT RESUSCITATE ORDER FOR EMERGENCY SERVICES FOR THE CHILD, AND FOR OTHER PURPOSES; AND TO DEFINE NECESSARY TERMS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. A. Section 44‑78‑15 of the 1976 Code is amended by adding an appropriately numbered new item to read:

“( ) ‘Child’ means a person under the age of eighteen who is neither married nor judicially emancipated and who is medically eligible for hospice care as a result of a serious illness, as that term is defined in this section.”

B. Section 44-78-15(7) of the 1976 Code is amended to read:

“(7) ~~‘Terminal condition’ means an incurable or irreversible condition that within reasonable medical judgment could cause death within a reasonably short period of time if life sustaining procedures are not used~~ ‘Serious illness’ means a condition that, based upon best medical judgment, is likely to result in death within twelve months.”

SECTION 2. Section 44‑78‑20 of the 1976 Code is amended to read:

“Section 44‑78‑20. (A) A patient who has a ~~terminal condition~~ serious illness, a surrogate for a patient with a ~~terminal condition~~ serious illness under the Adult Health Care Consent Act, ~~or~~ an agent of a person with a ~~terminal condition~~ serious illness named by the patient in a Health Care Power of Attorney, or a parent or legal guardian with the legal authority to make medical decisions for a child with a serious illness may request a health care provider responsible for the care of the patient to execute a ‘do not resuscitate order for emergency services’ if the:

(1) patient has a ~~terminal condition~~ serious illness; and

(2) ~~terminal condition~~ serious illness has been diagnosed by a health care provider and the health care provider’s record establishes the time, date, and medical condition which gives rise to the diagnosis of a ~~terminal condition~~ serious illness.

(B) ~~At the request of the patient for whom a do not resuscitate order is written or his surrogate or agent, the~~ The health care provider who executes the do not resuscitate order shall make the order in writing on a form conforming to the requirements of Section 44‑78‑30(A), and either shall:

(1) affix to the wrist of the patient a do not resuscitate bracelet that meets the specifications established under Section 44‑78‑30(B); or

(2) provide the patient, ~~or~~ his surrogate or agent, or, if the patient is a child, a parent or legal guardian with the legal authority to make medical decisions for the patient with an order form, from a commercial vendor approved by the department pursuant to Section 44‑78‑30(B), to allow ~~the patient to order~~ a do not resuscitate bracelet to be ordered from the commercial vendor.”

SECTION 3. Section 44‑78‑30 of the 1976 Code is amended to read:

“Section 44‑78‑30. (A) A document purporting to be a ‘do not resuscitate order’ for EMS purposes must be in substantially the following form:

NOTICE TO EMS PERSONNEL

This notice is to inform all emergency medical personnel who may be called to render assistance to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ that he/she has a ~~terminal condition~~ serious illness, which has been diagnosed by me, and has specifically requested that no resuscitative efforts including artificial stimulation of the cardiopulmonary system by electrical, mechanical, or manual means be made in the event of cardiopulmonary arrest or, if he/she is a child, such a request has been specifically made by a parent or legal guardian with legal authority to make medical decisions for the child.

REVOCATION PROCEDURE

THIS FORM MAY BE REVOKED BY AN ORAL STATEMENT BY THE PATIENT OR, IF THE PATIENT IS A CHILD, BY A PARENT OR LEGAL GUARDIAN WITH THE LEGAL AUTHORITY TO MAKE MEDICAL DECISIONS FOR THE PATIENT TO EMS PERSONNEL OR BY MUTILATING, OBLITERATING, OR DESTROYING THE DOCUMENT IN ANY MANNER.

Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Patient’s signature (or surrogate or agent)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Parent or Legal Guardian

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Physician’s signature

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Physician’s address

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Physician’s telephone number

(B) The department may approve a do not resuscitate bracelet developed and distributed by a commercial vendor if the bracelet contains an emblem that displays an internationally recognized medical symbol on the front and the words ‘South Carolina Do Not Resuscitate EMS’ and the patient’s first name and last name on the back. The department may not approve a do not resuscitate bracelet developed and distributed by a commercial vendor if the vendor does not require a health care provider’s order for the bracelet before distributing it to a patient.

(C) The cost of obtaining a bracelet must be borne by the patient or, if the patient is a child, a parent or legal guardian of the patient and may not be provided by the department at the expense of the department.

(D) The vendor approved by the department shall not fulfill a request for a do not resuscitate bracelet without receiving a health care provider’s order for the bracelet with the request.”

SECTION 4. Section 44‑78‑45(A) of the 1976 Code is amended to read:

“Section 44‑78‑45. (A) A health care provider and an EMS personnel shall follow the request of the patient or, if the patient is a child, the parent or legal guardian with the legal authority to make medical decisions for the patient and must not provide resuscitative measures when the patient has a ‘do not resuscitate order for emergency medical services’ or is wearing a ‘do not resuscitate bracelet’, except where the:

(1) order is revoked pursuant to Section 44‑78‑60; or

(2) bracelet, when applicable, appears to have been tampered with or removed.”

SECTION 5. Section 44‑78‑50 of the 1976 Code is amended to read:

“Section 44‑78‑50. (A) Nothing in this chapter may be construed to condone, authorize, or approve mercy killing or euthanasia or to permit any affirmative action or deliberate act to end life other than to allow the natural process of dying.

(B) ~~No person under the age of eighteen years may request or receive a ‘do not resuscitate order for emergency medical services’ as provided for in this article.~~

~~(C)~~ The withholding of resuscitative measures pursuant to this article does not constitute suicide for any purpose.”

SECTION 6. Section 44‑78‑60 of the 1976 Code is amended to read:

“Section 44‑78‑60. A patient or, if the patient is a child, a parent or legal guardian with the legal authority to make medical decisions for the patient may revoke a ‘do not resuscitate order for emergency services’ by:

(1) mutilating, obliterating, or destroying the ‘do not resuscitate order for emergency medical services’ document in any manner;

(2) orally expressing to an emergency medical technician, first responder, or to a person who serves as a member of an emergency health care facility’s personnel, the desire to be resuscitated, after which the emergency medical technician, first responder, or the member of the emergency health care facility shall disregard the ‘do not resuscitate order for emergency medical services’ document and, if applicable, promptly remove the bracelet;

(3) defacing, burning, cutting, or otherwise destroying the bracelet, if applicable; or

(4) removing the bracelet or asking another person to remove the bracelet.”

SECTION 7. This act takes effect upon approval by the Governor.

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