

HOUSE BILL NO. 480

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health and Human Services

on \_\_\_\_\_)

(Patron Prior to Substitute--Delegate Scott, P.A.)

A BILL to amend the Code of Virginia by adding a section numbered 54.1-2987.2, relating to health care; life-sustaining treatment for minors; exceptions.

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 54.1-2987.2 as follows:**

**§ 54.1-2987.2. Life-sustaining treatment for minors.**

A. As used in this section:

"Do Not Resuscitate order" means an order in a minor's medical record that reflects a decision to forgo cardiopulmonary resuscitative measures. The term does not include withholding other medical interventions deemed necessary to provide a patient with comfort care or to alleviate pain.

"Minor" means an unemancipated individual who is younger than 18 years of age and not under juvenile court supervision or on active duty with the Armed Forces of the United States.

"Resident" means a minor who is a resident of a nursing facility.

B. No Do Not Resuscitate order or similar physician's order shall be instituted, either orally or in writing, for a minor patient, resident, or prospective minor patient or resident without the written or oral consent of his parent or legal guardian.

C. Such permission may be revoked either orally or in writing by either parent or a legal guardian of such minor patient or resident granted such permission. Such revocation shall be recorded in the patient's or resident's medical records as soon as possible and shall specify which parent or legal guardian revoked permission, who the witnesses were to such revocation if any witnesses exist, and the date and time such revocation was obtained.

26 D. Either parent or legal guardian of a minor patient or resident may refuse to consent to a Do Not  
27 Resuscitate order in writing. Such refusal shall be included in the minor patient's or resident's medical  
28 records as soon as possible. In the event of disagreement between the parents or legal guardians of a minor  
29 patient, either parent or legal guardian may initiate a proceeding in a court of competent jurisdiction for  
30 entry of a court order directing final determination of the provision or withholding of health care. No Do  
31 Not Resuscitate order shall be implemented pending a final ruling of the court of competent jurisdiction.

32 E. The requirements of subsection B shall not apply if the physician or a hospital representative  
33 makes a reasonably diligent and documented effort to contact the parents or legal guardians of the minor  
34 patient or resident and the physician or hospital representative is unable to make such contact within 48  
35 hours of the initial contact attempt.

36 F. Upon the request of a parent or legal guardian of a minor patient or resident or a prospective  
37 minor patient or resident, a hospital representative shall disclose orally any policies involving  
38 cardiopulmonary resuscitation or life-sustaining treatment, including any policies relating to measures  
39 deemed nonbeneficial, ineffective, futile, or inappropriate. Nothing in this subsection shall be construed  
40 to require a provider to have a policy relating to cardiopulmonary resuscitation, life-sustaining treatment,  
41 or measures deemed nonbeneficial, ineffective, futile, or inappropriate for patients or residents.

42 G. Nothing in this section shall be construed as requiring a provider to initially provide or continue  
43 resuscitative measures on a minor if the resuscitative measures would be medically inappropriate.  
44 Resuscitative measures are considered medically inappropriate when there is no further benefit to the  
45 minor in performing such treatment and providing the treatment would, in the provider's reasonable  
46 medical judgement, (i) increase the risk of causing or hastening the minor's death; (ii) potentially harm  
47 the minor; or (iii) cause unnecessary pain, suffering, or injury to the minor.

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