

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, including a Durable Do Not Resuscitate Order issued pursuant to § 54.1-2987.1. The term does not include withholding other medical interventions deemed necessary to provide a patient with comfort care or to alleviate pain, including the administration of pain-relieving medications in excess of the recommended dosage in accordance with §§ 54.1-2971.01 and 54.1-3408.1.

"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 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

27 revoked permission, who the witnesses were to such revocation if any witnesses exist, and the date and
28 time such revocation was obtained.

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

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

39 F. Upon the request of a parent or legal guardian of a minor patient or resident or a prospective
40 minor patient or resident, a hospital that is equipped to provide life-sustaining treatment shall provide its
41 policy governing determination of the medical and ethical appropriateness of proposed medical care as
42 required by regulations promulgated pursuant to subdivision B 21 of § 32.1-127.

43 G. Nothing in this section shall be construed as requiring a provider to initially provide or continue
44 to provide resuscitative measures or other life-sustaining treatment on a minor if the physician determines
45 that such resuscitative measures or other life-sustaining treatment are medically or ethically inappropriate.
46 If this determination is contrary to the request of a parent or legal guardian of a minor patient or resident,
47 the provisions of § 54.1-2990 shall apply.

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