

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **Senate Bill 647**

BY SENATORS TAKUBO, MANN, MARONEY, STOLLINGS,

AND PLYMALE

[Introduced January 29, 2020; referred  
to the Committee on Health and Human Resources]



1 A BILL to amend and reenact §16-30C-6 of the Code of West Virginia, 1931, as amended, relating  
2 to permitting physician's assistants and advanced practice registered nurses to issue do-  
3 not-resuscitate orders.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 30C. DO NOT RESUSCITATE ACT.**

**§16-30C-6. Issuance of a do-not-resuscitate order; order to be written by a physician, a  
physician's assistant, or an advanced practice registered nurse.**

1 (a) An attending physician, a physician's assistant, or an advanced practice registered  
2 nurse may issue a do-not-resuscitate order for persons who are present in or residing at home  
3 or in a health care facility if the person, representative, or surrogate has consented to the order.  
4 A do-not-resuscitate order shall be issued in writing in the form as described in this section for a  
5 person not present or residing in a health care facility. For persons present in health care facilities,  
6 a do-not-resuscitate order shall be issued in accordance with the policies and procedures of the  
7 health care facility or in accordance with the provisions of this article.

8 (b) Persons may request their physicians, physician's assistants, or advanced practice  
9 registered nurses to issue do-not-resuscitate orders for them.

10 (c) The representative or surrogate decisionmaker may consent to a do-not-resuscitate  
11 order for a person with incapacity. A do-not-resuscitate order written by a physician, a physician's  
12 assistant, or an advanced practice registered nurse for a person with incapacity with the consent  
13 of the representative or surrogate decisionmaker is valid and shall be respected by health care  
14 providers.

15 (d) A parent may consent to a do-not-resuscitate order for his or her minor child, provided  
16 that a second physician, physician's assistant, or advanced practice registered nurse who has  
17 examined the child concurs with the opinion of the attending physician, physician's assistant, or  
18 advanced practice registered nurse that the provision of cardiopulmonary resuscitation would be  
19 contrary to accepted medical standards. If the minor is between the ages of 16 and 18 and, in the

20 opinion of the attending physician, physician's assistant, or advanced practice registered nurse  
21 the minor is of sufficient maturity to understand the nature and effect of a do-not-resuscitate order,  
22 then no such order shall be valid without the consent of such minor. In the event of a conflict  
23 between the wishes of the parents or guardians and the wishes of the mature minor, the wishes  
24 of the mature minor shall prevail. For purposes of this section, no minor less than 16 years of age  
25 shall be considered mature. Nothing in this article shall be interpreted to conflict with the  
26 provisions of the Child Abuse Prevention and Treatment Act and implementing regulations at 45  
27 CFR 1340. In the event conflict is unavoidable, federal law and regulation shall govern.

28 (e) If a surrogate decisionmaker is not reasonably available or capable of making a  
29 decision regarding a do-not-resuscitate order, an attending physician, physician's assistant, or  
30 advance practice registered nurse may issue a do-not-resuscitate order for a person with  
31 incapacity in a health care facility: *Provided*, That a second physician who has personally  
32 examined the person concurs in the opinion of the attending physician, physician's assistant, or  
33 advanced practice registered nurse that the provision of cardiopulmonary resuscitation would be  
34 contrary to accepted medical standards.

35 (f) For persons not present or residing in a health care facility, the do-not-resuscitate order  
36 shall be noted on a physician, physician's assistant, or advanced practice registered nurse orders  
37 for scope of treatment form or in the following form on a card suitable for carrying on the person:

38 Do-Not-Resuscitate Order

39 "As treating physician, physician's assistant, or advanced practice registered nurse of  
40 \_\_\_\_\_ and a licensed physician, physician's assistant, or advanced  
41 practice registered nurse, I order that this person SHALL NOT BE RESUSCITATED in the event  
42 of cardiac or respiratory arrest. This order has been discussed with  
43 \_\_\_\_\_ or his/her representative  
44 \_\_\_\_\_ or his/her surrogate decisionmaker

45 \_\_\_\_\_ who has given consent as evidenced by his/her signature  
46 below.

47 ~~Physician~~ Provider Name

48 \_\_\_\_\_

49 ~~Physician~~ Provider Signature

50 \_\_\_\_\_

51 Address \_\_\_\_\_

52 Person Signature \_\_\_\_\_

53 Address \_\_\_\_\_

54 Surrogate Decision Maker Signature \_\_\_\_\_

55 Address \_\_\_\_\_”.

56 (g) For persons residing in a health care facility, the do-not-resuscitate order shall be  
57 reflected in at least one of the following forms:

58 (1) Forms required by the policies and procedures of the health care facility;

59 (2) The do-not-resuscitate card as set forth in subsection (f) of this section; or

60 (3) The physician orders for scope of treatment form.

NOTE: The purpose of this bill is to permit physician assistants and advanced practice nurse practitioners to issue do not resuscitate orders.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.