

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Enrolled

Senate Bill 647

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2020 MAR 25 PM 4:16

FILED

BY SENATORS TAKUBO, MANN, MARONEY, STOLLINGS,

AND PLYMALE

[Passed March 7, 2020; in effect 90 days from passage]

SB647

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Enrolled

Senate Bill 647

BY SENATORS TAKUBO, MANN, MARONEY, STOLLINGS,

AND PLYMALE

[Passed March 7, 2020; in effect 90 days from passage]

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2020 MAR 25 P 4:16

FILED

1 AN ACT to amend and reenact §16-30C-6 of the Code of West Virginia, 1931, as amended,
2 relating to permitting physician's assistants and advanced practice registered nurses to
3 issue do-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 or
3 in a health care facility if the person, representative, or surrogate has consented to the order. A
4 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 Provider Name

48

49 Provider Signature

50 Address _____

51 Person Signature _____

52 Address _____

53 Surrogate Decision Maker Signature _____

54 Address _____”.

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

- 57 (1) Forms required by the policies and procedures of the health care facility;
- 58 (2) The do-not-resuscitate card as set forth in subsection (f) of this section; or
- 59 (3) The physician, physician's assistant, or advanced practice registered nurse orders for
60 scope of treatment form.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Paul R. Murray
.....
Chairman, Senate Committee

Robert Capito
.....
Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

Jee Ann
.....
Clerk of the Senate

Steve Harrison
.....
Clerk of the House of Delegates

Walter B. Carmichael
.....
President of the Senate

Robert H. Anderson
.....
Speaker of the House of Delegates

OFFICE, WEST VIRGINIA
SECRETARY OF STATE

2020 MAR 25 PM 4:17

FILED

The within *is approved* this the *25th*
Day of *March* 2020.

James E. Justice
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 18 2020

Time 9:50am