

FIRST REGULAR SESSION

SENATE BILL NO. 466

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHMITT.

Read 1st time February 19, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2094S.02I

AN ACT

To amend chapter 191, RSMo, by adding thereto three new sections relating to treatment policies in health care facilities.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 191, RSMo, is amended by adding thereto three new sections, to be known as sections 191.250, 191.251, and 191.252, to read as follows:

191.250. 1. This section shall be known and may be cited as "Simon's Law".

2. Upon the request of a patient or resident or a prospective patient or resident, a health care facility, nursing home, or physician shall disclose in writing any policies relating to a patient or resident or the services a patient or resident may receive involving life-sustaining or nonbeneficial treatment within the health care facility or agency.

3. Upon admission and upon request, if the patient or resident or prospective patient or resident is a minor child or minor ward, the health care facility, nursing home, or physician in charge shall provide in writing the policies described in subsection 2 of this section to at least one parent or legal guardian of the patient or resident or prospective patient or resident.

4. No health care facility, nursing home, physician, nurse, or medical staff shall withhold life-sustaining procedures, food, medication, or nutrition, nor place any restrictions on life-sustaining procedures including, but not limited to, food, medication, or nutrition for any minor patient, resident, or ward without the written permission of at least one parent or legal guardian of the minor patient or ward.

21 5. No do-not-resuscitate order or similar physician's order shall
22 be instituted either orally or in writing without the written permission
23 of at least one parent or legal guardian of the minor patient or resident
24 or prospective minor patient or resident.

25 6. Nothing in this section shall require a health care facility,
26 nursing home, or physician to have a written policy relating to or
27 involving life-sustaining or nonbeneficial treatment for minor or adult
28 patients, residents, or wards.

29 7. Nothing in this section shall interfere with the rights
30 guaranteed by law, including section 404.872, of a physician, nurse, or
31 other individual who is a health care provider or an employee of a
32 health care facility to refuse to honor a health care decision
33 withholding or withdrawing life-sustaining treatment if such refusal is
34 based upon the individual's religious beliefs, or sincerely held moral
35 convictions.

 191.251. A health care facility, nursing home, physician, nurse,
2 or medical staff shall not deny a patient, resident, or prospective
3 patient or resident life-sustaining treatment that the health care
4 facility, nursing home, physician, nurse or medical staff provides to
5 other patients or residents and the provision of which is directed by
6 the patient, resident, prospective patient or resident, or a person
7 legally authorized to make health care decisions for the patient,
8 resident, or prospective patient or resident for the following reasons:

9 (1) On the basis of a view that treats extending the life of an
10 elderly, disabled, or terminally ill individual as of lower value than
11 extending the life of an individual who is younger, abled, or not
12 terminally ill; or

13 (2) On the basis of disagreement with how the patient, resident,
14 prospective patient or resident, or person legally authorized to make
15 health care decisions for the patient, resident, or prospective patient
16 or resident values the trade-off between extending the length of the
17 patient's life and the risk of disability.

 191.252. A minor who is a candidate to receive an anatomical gift
2 shall not be deemed ineligible to receive an anatomical gift solely
3 because of the minor's developmental disability, as defined in section
4 630.005, except to the extent that the developmental disability has been
5 found by a physician, following an individualized evaluation of the

6 potential recipient, to be medically significant to the provision of the
7 anatomical gift. If the minor has the necessary support system to assist
8 the minor in complying with post-transplant medical requirements, a
9 minor's inability to independently comply with those requirements
10 shall not be deemed to be medically significant. The provisions of this
11 section shall apply to each part of the organ transplant process.

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