

SENATE SUBSTITUTE

FOR

HOUSE BILL NO. 138

AN ACT

To amend chapter 191, RSMo, by adding thereto one new section relating to life-sustaining treatment policies.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Chapter 191, RSMo, is amended by adding thereto
2 one new section, to be known as section 191.250, to read as
3 follows:

4 191.250. 1. This section shall be known and may be cited
5 as "Simon's Law".

6 2. As used in this section, the following terms shall mean:

7 (1) "End-of-life medical decision order", a decision issued
8 by a juvenile or family court pertaining to life-sustaining
9 treatment, including do-not-resuscitate orders, provided on
10 behalf of and in the best interests of a child under juvenile or
11 family court jurisdiction under section 211.031;

12 (2) "Reasonable medical judgment", a medical judgment that
13 would be made by a reasonably prudent health care provider who is
14 knowledgeable about the case and the treatment possibilities with
15 respect to the medical conditions involved.

16 3. For a child who is not under juvenile or family court
17 jurisdiction under section 211.031, no health care facility,
18 nursing home, physician, nurse, or medical staff shall institute
19 a do-not-resuscitate order or similar physician's order, either

1 orally or in writing, without the written or oral consent of at
2 least one parent or legal guardian of the patient or resident
3 under eighteen years of age who is not emancipated. If consent
4 to implement a do-not-resuscitate order or similar physician's
5 order is granted orally, two witnesses other than the parent,
6 legal guardian, or physician shall be present and willing to
7 attest to the consent given by the legal guardian of the patient
8 or at least one parent of the patient. The provision of such
9 consent shall be immediately recorded in the patient's medical
10 record, specifying who provided the information, to whom the
11 information was provided, which parent or legal guardian gave the
12 consent, who the witnesses were, and the date and time the
13 consent was obtained.

14 4. The requirements of subsection 3 of this section shall
15 not apply if a reasonably diligent effort of at least forty-eight
16 hours without success has been made to contact and inform each
17 known parent or legal guardian of the intent to implement a
18 do-not-resuscitate order or similar physician's order.

19 5. Consent previously given under subsection 3 of this
20 section may be revoked orally or in writing by the parent or
21 legal guardian of the patient or resident who granted the
22 original permission. Such revocation of prior consent shall take
23 precedence over any prior consent to implement a
24 do-not-resuscitate order or similar physician's order and shall
25 be immediately recorded in the patient's or resident's medical
26 record, specifying who provided the information, to whom the
27 information was provided, which parent or legal guardian revoked
28 consent, who the witnesses were, and the date and time the

1 revocation was obtained.

2 6. For a child under juvenile court jurisdiction under
3 section 211.031, a juvenile or family court may issue an end-of-
4 life medical decision order, a physician's order, or any other
5 medical decision order, or may appoint a guardian for the child
6 for that purpose. The children's division shall not be appointed
7 as guardian for a child to make end-of-life medical decisions,
8 including do-not-resuscitate orders. In the event a child under
9 the jurisdiction of a juvenile or family court under section
10 211.031 is returned to the custody of the legal guardian or
11 parent, the legal guardian or parent may revoke the consent for
12 the end-of-life medical decisions or similar physician's orders
13 ordered by the court, including do-not-resuscitate orders for the
14 child. Revocation may be orally or in writing and shall be
15 immediately recorded in the patient's medical records, specifying
16 who provided the information, to whom the information was
17 provided, which parent or legal guardian revoked consent, who the
18 witnesses were, and the date and time the revocation was
19 obtained.

20 7. For the purposes of this section, a relative caregiver
21 under the provisions of section 431.058 shall have the same
22 authority given to a parent or legal guardian of a nonemancipated
23 patient or resident under eighteen years of age, provided that
24 such a patient or resident is not under juvenile or family court
25 jurisdiction under section 211.031.

26 8. Nothing in this section shall be construed to require
27 any health care facility, nursing home, physician, nurse, or
28 medical staff to provide or continue any treatment, including

1 resuscitative efforts, food, medication, oxygen, intravenous
2 fluids, or nutrition, that would be:

3 (1) Medically inappropriate because, in their reasonable
4 medical judgment, providing such treatment would create a greater
5 risk of causing or hastening the death of the patient; or

6 (2) Medically inappropriate because, in their reasonable
7 medical judgment, providing such treatment would be potentially
8 harmful or cause unnecessary pain, suffering, or injury to the
9 patient.

10 9. Nothing in this section shall require health care
11 providers to continue cardiopulmonary resuscitation or manual
12 ventilation beyond a time in which, in their reasonable medical
13 judgment, there is no further benefit to the patient or likely
14 recovery of the patient.