

SECOND REGULAR SESSION

# SENATE BILL NO. 1010

100TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR SATER.

Read 1st time February 17, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5433S.011

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## AN ACT

To repeal sections 190.606 and 190.612, RSMo, and to enact in lieu thereof two new sections relating to outside the hospital do-not-resuscitate orders.

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

Section A. Sections 190.606 and 190.612, RSMo, are repealed and two new  
2 sections enacted in lieu thereof, to be known as sections 190.606 and 190.612, to  
3 read as follows:

190.606. The following persons and entities shall not be subject to civil,  
2 criminal, or administrative liability and are not guilty of unprofessional conduct  
3 for the following acts or omissions that follow discovery of an outside the hospital  
4 do-not-resuscitate identification upon a patient, **or upon being presented with**  
5 **an outside the hospital do-not-resuscitate order from Missouri, another**  
6 **state, the District of Columbia, or a territory of the United States;**  
7 provided that the acts or omissions are done in good faith and in accordance with  
8 the provisions of sections 190.600 to 190.621 and the provisions of an outside the  
9 hospital do-not-resuscitate order executed under sections 190.600 to 190.621:

10 (1) Physicians, persons under the direction or authorization of a  
11 physician, emergency medical services personnel, or health care facilities that  
12 cause or participate in the withholding or withdrawal of cardiopulmonary  
13 resuscitation from such patient; and

14 (2) Physicians, persons under the direction or authorization of a  
15 physician, emergency medical services personnel, or health care facilities that  
16 provide cardiopulmonary resuscitation to such patient under an oral or written  
17 request communicated to them by the patient or the patient's representative.

190.612. 1. Emergency medical services personnel are authorized to  
2 comply with the outside the hospital do-not-resuscitate protocol when presented

3 with an outside the hospital do-not-resuscitate identification or an outside the  
4 hospital do-not-resuscitate order. However, emergency medical services personnel  
5 shall not comply with an outside the hospital do-not-resuscitate order or the  
6 outside the hospital do-not-resuscitate protocol when the patient or patient's  
7 representative expresses to such personnel in any manner, before or after the  
8 onset of a cardiac or respiratory arrest, the desire to be resuscitated.

9 **2. Emergency medical services personnel are authorized to**  
10 **comply with the outside the hospital do-not-resuscitate protocol when**  
11 **presented with an outside the hospital do-not-resuscitate order from**  
12 **another state, the District of Columbia, or a territory of the United**  
13 **States if such order is on a standardized written form:**

14 **(1) Signed by the patient or the patient's representative and a**  
15 **physician who is licensed to practice in the other state, the District of**  
16 **Columbia, or the territory of the United States; and**

17 **(2) Such form has been previously reviewed and approved by the**  
18 **department of health and senior services to authorize emergency**  
19 **medical services personnel to withhold or withdraw cardiopulmonary**  
20 **resuscitation from the patient in the event of a cardiac or respiratory**  
21 **arrest.**

22 **Emergency medical services personnel shall not comply with an outside**  
23 **the hospital do-not-resuscitate order from another state, the District of**  
24 **Columbia, or a territory of the United States or the outside the hospital**  
25 **do-not-resuscitate protocol when the patient or patient's representative**  
26 **expresses to such personnel in any manner, before or after the onset of**  
27 **a cardiac or respiratory arrest, the desire to be resuscitated.**

28 **3.** If a physician or a health care facility other than a hospital admits or  
29 receives a patient with an outside the hospital do-not-resuscitate identification  
30 or an outside the hospital do-not-resuscitate order, and the patient or patient's  
31 representative has not expressed or does not express to the physician or health  
32 care facility the desire to be resuscitated, and the physician or health care facility  
33 is unwilling or unable to comply with the outside the hospital do-not-resuscitate  
34 order, the physician or health care facility shall take all reasonable steps to  
35 transfer the patient to another physician or health care facility where the outside  
36 the hospital do-not-resuscitate order will be complied with.