
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2111 Session of
2019

INTRODUCED BY BERNSTINE, RYAN, PICKETT, TOPPER, KEEFER,
YOUNGBLOOD, CIRESI AND DeLUCA, DECEMBER 9, 2019

REFERRED TO COMMITTEE ON HEALTH, DECEMBER 9, 2019

AN ACT

1 Amending the act of July 19, 1979 (P.L.130, No.48), entitled "An
2 act relating to health care; prescribing the powers and
3 duties of the Department of Health; establishing and
4 providing the powers and duties of the State Health
5 Coordinating Council, health systems agencies and Health Care
6 Policy Board in the Department of Health, and State Health
7 Facility Hearing Board in the Department of Justice;
8 providing for certification of need of health care providers
9 and prescribing penalties," in licensing of health care
10 facilities, providing for do-not-resuscitate orders for
11 minors.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. The act of July 19, 1979 (P.L.130, No.48), known
15 as the Health Care Facilities Act, is amended by adding a
16 section to read:

17 Section 806.5. Do-not-resuscitate orders for minors.

18 (a) Prohibition.--A health care provider may not implement a
19 do-not-resuscitate order without engaging in a discussion with a
20 parent or legal guardian of the minor about all of the
21 following:

22 (1) The minor's care plan, including the implementation

1 of a do-not-resuscitate order and what the do-not-resuscitate
2 order means for the minor.

3 (2) The rights of a parent or legal guardian of a minor
4 specified under subsection (e).

5 (b) Witnesses and records.--The discussion under subsection
6 (a) shall be made with a witness present, other than a parent or
7 legal guardian of the minor, who is willing to confirm that the
8 discussion under subsection (a) took place. The provider shall
9 ask a parent or legal guardian of the minor to sign a written
10 acknowledgment of the discussion. The provider shall immediately
11 document and record the following information about the
12 discussion in the minor's medical record:

13 (1) The individuals who engaged in the discussion.

14 (2) Each witness to the discussion, not including a
15 parent or legal guardian of the minor.

16 (3) The date and time of the discussion.

17 (c) Failure to contact.--The requirements under subsections
18 (a) and (b) shall not apply if the health care provider makes a
19 reasonably diligent and documented effort to contact a parent or
20 legal guardian of the minor and the provider is unable to
21 contact a parent or legal guardian of the minor within a 48-hour
22 period.

23 (d) Execution of orders.--

24 (1) If a health care provider enters a do-not-
25 resuscitate order for a minor, the provider shall document
26 the reason for the do-not-resuscitate order in the minor's
27 medical record.

28 (2) Nothing in this section shall be construed to
29 require a health care provider to implement resuscitative
30 measures or continue to implement resuscitative measures on a

1 minor if the measures are medically inappropriate in the
2 provider's reasonable medical judgment because the measures
3 would:

4 (i) create a greater risk of causing or hastening
5 the minor's death; or

6 (ii) be potentially harmful or cause unnecessary
7 pain, suffering or injury to the minor.

8 (e) Rights of parents or guardians.--

9 (1) A parent or legal guardian of a minor may request
10 that the minor be transferred to another health care facility
11 at any time during the process specified under subsections
12 (a) and (b). If the parent or legal guardian requests a
13 transfer under this paragraph, the health care provider shall
14 provide a reasonable time for the parent or legal guardian to
15 find another provider that will accept the minor before
16 implementing a do-not-resuscitate order. The provider shall
17 furnish the minor's medical records to a health care facility
18 that requires the medical records to determine whether the
19 health care facility is willing to care for the minor. If a
20 health care facility is willing to accept the minor, the
21 provider shall make reasonable efforts to facilitate the
22 transfer to the health care facility.

23 (2) A parent or legal guardian may petition a court of
24 competent jurisdiction where the minor resides or where the
25 minor is receiving treatment for an order enjoining an action
26 that violates this section or to resolve a conflict between
27 the minor's parents or legal guardians regarding a do-not-
28 resuscitate order under this section. Upon receiving a
29 petition under this paragraph, the court shall issue an order
30 fixing the date, time and place of a hearing on the petition

1 and order that notice of the hearing be given to the
2 interested parties. A preliminary hearing may be held without
3 notice if the court determines that holding a preliminary
4 hearing without notice is necessary to prevent imminent
5 danger to the minor's life. In the court's discretion, a
6 hearing may be conducted in a courtroom, the health care
7 facility where the minor is receiving treatment or at some
8 other suitable location. A provider may not implement a do-
9 not-resuscitate order until the final determination is made
10 by the court under this paragraph, including any pending
11 appeal.

12 (f) Policy disclosures.--Upon request of a patient or
13 resident or a prospective patient or resident, a health care
14 provider shall disclose in writing any policies involving
15 resuscitation or life-sustaining measures, including any
16 policies relating to measures deemed nonbeneficial, ineffective,
17 futile or inappropriate. Nothing in this subsection
18 shall be construed to require a provider to have a written
19 policy relating to resuscitation, life-sustaining measures or
20 measures deemed nonbeneficial, ineffective, futile or
21 inappropriate for patients or residents.

22 (g) Definitions.--As used in this section, the following
23 words and phrases shall have the meanings given to them in this
24 subsection unless the context clearly indicates otherwise:

25 "Comfort care." A treatment given in an attempt to protect
26 and enhance the quality of life of an individual without
27 artificially prolonging the life of the individual.

28 "Do-not-resuscitate order." An order in a patient's medical
29 record that reflects a decision to forgo cardiopulmonary
30 resuscitative measures. The term does not include withholding

1 other medical interventions deemed necessary to provide a
2 patient with comfort care or to alleviate pain.

3 "Minor." An unemancipated individual who is under 18 years
4 of age and not under juvenile court supervision or in active
5 duty with the armed forces of the United States.

6 Section 2. This act shall take effect in 60 days.