
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 234 Session of
2007

INTRODUCED BY BENNINGHOFF, BEYER, CALTAGIRONE, CREIGHTON, FLECK,
GILLESPIE, GINGRICH, HENNESSEY, JAMES, KIRKLAND, KORTZ,
McILHATTAN, NAILOR, M. O'BRIEN, PICKETT, RUBLEY, SAMUELSON,
SAYLOR, SIPTROTH, SOLOBAY, SONNEY, THOMAS AND VULAKOVICH,
JUNE 5, 2007

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 5, 2007

A RESOLUTION

1 Directing the Joint State Government Commission to study the
2 issue of do-not-resuscitate (DNR) laws, to establish an
3 advisory committee to review proposals that address the issue
4 of DNR orders and to report its findings and recommendations
5 to the House of Representatives.

6 WHEREAS, In 1991 Federal lawmakers passed the Patient Self-
7 Determination Act (PSDA) that required hospitals, nursing homes
8 and other institutions to tell Medicare and Medicaid patients
9 about the option of preparing legal documents to guide medical
10 care if they are one day unable to speak for themselves; and

11 WHEREAS, In these documents individuals can request who is to
12 act on their behalf, describe what treatments would be
13 acceptable and outline under which circumstances they would want
14 to be allowed to die; and

15 WHEREAS, Only 20% of the population today has a living will
16 to outline their desires for their future care; and

17 WHEREAS, All states except Massachusetts and Michigan make
18 properly executed living wills legally binding, and all 50

1 states recognize health care proxies; and

2 WHEREAS, In 1999 studies determined that inpatient
3 expenditures for the Medicare fee-for-service population was \$90
4 billion and that 40% of this amount accrued in the last month of
5 the decedent's life, leaving large debts for the family to pay
6 in some situations; and

7 WHEREAS, Legislation was created with input from advocates
8 for persons with disabilities, associations representing doctors
9 and lawyers and faith-based groups; and

10 WHEREAS, In November 2006 Governor Rendell signed legislation
11 to establish the chain of authority for decision making in the
12 event a person has not designated someone in advance; and

13 WHEREAS, This legislation required a panel to be established
14 to address the problem and possibly implement the Physician
15 Orders for Life-Sustaining Treatment (POLST) system, which is
16 currently used in Oregon and West Virginia; and

17 WHEREAS, In the POLST system a person fills out a brightly
18 colored form signed by the patient or his or her surrogate that
19 spells out final wishes; and

20 WHEREAS, The form or a copy of the form stays with the
21 patient; and

22 WHEREAS, There are still a number of patients' wishes, such
23 as DNR orders, which are indicated on hospital charts, but these
24 requests are not transferred with patients who are moved to a
25 hospice or nursing home but who return to the hospital; and

26 WHEREAS, In June 2002 House Bill 96 established a way to
27 recognize DNR orders for emergency medical services when a
28 patient has a terminal illness or has a living will directing
29 that no cardiopulmonary resuscitation be provided in the event
30 of cardiac or respiratory arrest; and

1 WHEREAS, This legislation created a way to track DNR orders
2 through bracelets, necklaces or orders, but this still leaves
3 patients in a vulnerable position if they are not wearing the
4 necklace or bracelet or are not carrying the order, as they will
5 be resuscitated by emergency medical services; and

6 WHEREAS, By creating a committee of professionals in the
7 area, the House of Representatives can determine what available
8 options exist for communicating DNR orders from patient to
9 health care workers at all stages of patient care; and

10 WHEREAS, There is a need for a comprehensive study of the
11 proposals made to the Judiciary Committee, the proposals
12 considered by the Committee of the Whole and any other proposals
13 which would help alleviate the issue of DNR orders; therefore be
14 it

15 RESOLVED, That the House of Representatives direct the Joint
16 State Government Commission to study the issue of DNR laws, to
17 establish an advisory committee consisting of experts on the
18 issue of DNR orders, including doctors, health care
19 administrators, emergency medical technicians, ethicists and
20 other experts; and be it further

21 RESOLVED, That the study include a review of proposals that
22 address the issue of DNR orders in instances where there is not
23 a bracelet, necklace or card or where the order is not
24 transferred from one facility to another and come to a consensus
25 on the recommendations best suited for Pennsylvania; and be it
26 further

27 RESOLVED, That the commission report to the House of
28 Representatives with its findings and recommendations within one
29 year of the adoption of this resolution.