

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

800

L.D. 1763

DATE: 3-27-06

(Filing No. S-522)

JUDICIARY

Reported by:

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE
SENATE
122ND LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 680, L.D. 1763, Bill, "An Act To Ensure the Authority of "Do Not Resuscitate" Orders in Advance Health-care Directives"

Amend the bill by striking out the title and substituting the following:

'Resolve, Concerning the Authority of "Do Not Resuscitate" Directives'

Further amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, current protocols applicable to emergency medical responders regarding the treatment of "do not resuscitate" orders require physicians' orders; and

Whereas, it is necessary that the protocols be revised as quickly as possible to ensure that the informed wishes of a person, as stated in that person's directive, be complied with; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

COMMITTEE AMENDMENT

2008

Sec. 1. Maine Emergency Medical Services protocols. Resolved:

2 That the Medical Direction and Practices Board, as defined in the
3 Maine Revised Statutes, Title 32, section 83, subsection 16-B,
4 shall adopt changes in the Maine Emergency Medical Services
5 protocols to affirmatively recognize the authority of an
6 individual to execute an individual instruction refusing
7 resuscitation that will be honored by emergency medical services
8 providers, as long as the individual instruction provides
9 satisfactory evidence of informed consent. In adopting the
10 proposed changes, the board shall ensure that the new protocols
11 will result in forms for refusing resuscitation that are clear
12 and can be made immediately available to emergency medical
13 services providers; and be it further

Sec. 2. Report. Resolved: That the Director of Maine

14
15 Emergency Medical Services within the Department of Public
16 Safety, in consultation with interested parties, shall report by
17 January 15, 2007 to the joint standing committee of the
18 Legislature having jurisdiction over judiciary matters on the
19 following:

20
21 1. Changes in the Maine Emergency Medical protocols
22 pursuant to section 1;

23
24 2. Instructions and forms developed to implement and
25 complement the protocols;

26
27 3. Existing and planned educational initiatives; and

28
29 4. Any recommended legislation; and be it further

30
31 **Sec. 3. Legislation. Resolved:** That the joint standing
32 committee of the Legislature having jurisdiction over judiciary
33 matters may report out legislation to the 123rd Legislature
34 concerning advance health-care directives and "do not
35 resuscitate" decisions.

36
37 **Emergency clause.** In view of the emergency cited in the
38 preamble, this resolve takes effect when approved.'

39
40
41 **SUMMARY**

42
43 This amendment replaces the bill.

44
45 This amendment creates a resolve to address an individual's
46 informed decision to refuse resuscitation.

47
48 First, it directs the Department of Public Safety, Medical
49 Direction and Practices Board to revise the Maine Emergency
50

COMMITTEE AMENDMENT "A" to S.P. 680, L.D. 1763

2 Medical Services protocols to allow emergency medical services
3 providers to honor an individual's decision to refuse
4 resuscitation if that decision is made available in an individual
5 instruction that shows informed consent to the decision. The
6 protocols must result in forms that are clear and can be made
7 immediately available to emergency medical services providers.

8 Second, this amendment directs the Director of Maine
9 Emergency Medical Services within the Department of Public Safety
10 to report by January 15, 2007 to the joint standing committee of
11 the Legislature having jurisdiction over judiciary matters in 4
12 areas. The report must be developed in consultation with
13 interested parties. The report must cover the change in
14 protocols, the forms and the instructions developed to implement
15 and complement the protocols, educational initiatives undertaken
16 and planned and any recommended legislation.

18 Third, this amendment authorizes the joint standing
19 committee of the Legislature having jurisdiction over judiciary
20 matters to submit legislation to the 123rd Legislature concerning
21 advance health-care directives and "do not resuscitate" decisions.
22

24 **FISCAL NOTE REQUIRED**
(See attached)

COMMITTEE AMENDMENT



122nd MAINE LEGISLATURE

LD 1763

2464(02)

An Act To Ensure the Authority of "Do Not Resuscitate" Orders in Advance Health-care Directives

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund