

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1763

S.P. 680

In Senate, December 30, 2005

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

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 28, 2005. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 218.

A handwritten signature in black ink, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BRYANT of Oxford.
Cosponsored by Representative BRYANT of Windham and
Representatives: DUPLESSIE of Westbrook, HOTHAM of Dixfield, PATRICK of Rumford.

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

4 **Whereas,** there are currently discrepancies among emergency
6 medical responders regarding the treatment of "do not
resuscitate" orders in advance health-care directives; and

8 **Whereas,** it is necessary that these discrepancies be
10 eliminated as quickly as possible to ensure that the wishes of a
person, as stated in that person's advance health-care directive,
12 be complied with; and

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

20 **Be it enacted by the People of the State of Maine as follows:**

22 **Sec. 1. 32 MRSA §86, sub-§2-A,** as amended by PL 1999, c. 182,
§11, is further amended to read:

24 **2-A. Treatment to be in accord with regional medical orders
and directive.** When an ambulance service or nontransporting
26 emergency medical service is present at an accident or other
situation in which a person or persons require emergency medical
28 treatment, the medical treatment of the patients must be carried
out in accordance with any rules adopted under this chapter, any
30 protocols as defined in section 83, subsection 19 and any verbal
orders given under the system of delegation established by the
32 regional medical director; except that:

34 A. When a patient is already under the supervision of a
36 personal physician or a physician's assistant or nurse
practitioner supervised by that physician and the physician,
38 physician's assistant or nurse practitioner assumes the care
of the patient, then for as long as the physician,
40 physician's assistant or nurse practitioner remains with the
patient, the patient must be cared for as the physician,
42 physician's assistant or nurse practitioner directs. The
emergency medical services persons shall assist to the
44 extent that their licenses and protocol allow; and

46 B. A patient is not required to accept treatment to which
the patient does not consent, ; and

48 C. If a patient has an advance health-care directive, as
50 defined in Title 18-A, section 5-801, subsection (a), that

2 contains an order not to resuscitate that patient, and that
3 advance health-care directive is presented to the ambulance
4 service or nontransporting emergency medical service, that
5 order must be followed.

6 **Emergency clause.** In view of the emergency cited in the
7 preamble, this Act takes effect when approved.

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SUMMARY

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This bill requires emergency medical responders to follow an
order to not resuscitate a patient contained in that patient's
advance health-care directive.

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