CSSB 172 - Section Analysis

Section 1. Amends AS 13.52.045 *Withholding or withdrawing of life-sustaining procedures.*
A Do-Not-Resuscitate (DNR) order does not prevent a health care institution or facility from providing life-sustaining procedures (i.e. assisted ventilation and intubation, blood transfusions, antibiotics, dialysis, artificial nutrition and hydration) to the patient.

Section 2. Amends AS 13.52.060(e) *Obligations of health care providers, institutions, and facilities.*
A health care provider may not decline to comply with a DNR order for reasons of conscience if the order is consistent with the provisions of AS 13.52; nor can a health care provider, health care institution or facility decline to comply with an individual instruction or a health care decision that requests that a do not resuscitate order be made ineffective, except as provided by AS 13.52.030(h).

Section 3. Amends AS 13.52.060(f) *Obligations of health care providers, institutions, and facilities.*
A health care provider, health care institution or facility may not decline to comply with an individual instruction or health care decision that requests that a do not resuscitate order be made ineffective, except as provided by AS 13.52.030(h).

Section 4. Amends AS 13.52.065(a) *Do not resuscitate protocol and identification requirements.*
A physician may issue a DNR order for a patient of the physician only as provided in this section.

Section 5. Amends AS 13.52.065(b) to state that the protocol adopted by DHSS for withholding of CPR by health care providers and institutions must comply with this section.

Section 6. Amends AS 13.52.065 by adding new subsections-
(g) a physician may not issue a DNR order without the express consent of the patient, if the patient has capacity and is 18 years or older; consent may also be provided by an advance health care directive or by a person authorized to make health care decisions for the patient.

(h) a physician may issue a DNR without the express consent required in (g) if patient does not have capacity, no one is authorized to make health care decisions for patient, and,
> (1) patient has advance health care directive which indicates patient wants a DNR order; or,
> (2) patient has advance health care directive which is silent about issuance of a DNR order and another physician concurs in the decision to issue a DNR order; or

(3) patient does not have an advance health care directive, and another physician concurs in the decision to issue a do not resuscitate order.

(i) a physician shall revoke a DNR order for a patient if
(1) DNR order violates (g) of this section;
(2) patient has capacity and requests DNR be revoked;
(3) patient does not have capacity, patient does not have advance health care directive that indicates patient wants a DNR order, and a person authorized to make health care decisions for the patient requests the revocation of the DNR order; or
(4) patient is under 18 years of age and parent or guardian of patient requests that the DNR order be revoked.

(j) a physician may revoke a DNR order issued by another physician for a patient, if the physician has a physician-patient relationship with the patient.

Section 7. Amends AS 13.52.080(a) *Immunities*
Amends AS 13.52.080(a) to replace a citation to a subsection that is repealed by this bill (AS 13.52.065(f) *Do not resuscitate protocol and identification requirements*).

Section 8. Amends AS 13.52.300 the *Optional form* used to create an advance health care directive. A new section, *Life-Sustaining Procedures,* is added under Part 2 – Instructions for Health Care, (6)End-of-Life Decisions, giving patients the opportunity to accept or decline life-sustaining procedures, or identify specific life-sustaining procedures they wish to receive.

Section 9. Amends AS 13.52.390(17) *Definitions*
The definition for "Health care decision" is expanded to include *a direction relating to the provision of cardiopulmonary resuscitation or other resuscitative measures;*

Section 10. Repeals AS 13.52.065(f), which currently addresses how DNR orders are made ineffective.

Section 11. Adds a provision to indicate how DNR orders made before the bill's effective date are to be treated in light of the bill.